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WORKING PAPERS ON PORNOGRAPHY AND PROSTITUTION

Report # 13

THE IMPACT OF PORNOGRAPHY: AN ANALYSIS OF RESEARCH AND SUMMARY OF FINDINGS

by
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and
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POLICY, PROGRAMS
AND RESEARCH BRANCH
RESEARCH AND
STATISTICS SECTION

THE IMPACT OF PORNOGRAPHY:

A DECADE OF LITERATURE

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H.B. McKay
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1984



This report was prepared under contract with the Department of Justice Canada.

The views expressed in this report are those of the authors and do not necessarily reflect the views of the Department of Justice Canada.

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SECTION I

DEVELOPING A PERSPECTIVE

ON THE ISSUES

INTRODUCTION

Project Objectives

The primary objective of this project was to initiate a search and assessment of the literature published between the years 1975 and 1984 in sociology, criminology, psychology, social psychology or related fields regarding the impact of pornographic material. A review of this literature was undertaken in order to analyze and develop an authoritative statement on its findings.

For the purposes of this project:

- a) impacts are broadly defined and can include measures of their absence; and
- b) pornographic material is broadly defined and can include magazines, videos, films, pictures, scenic or theatrical representations or written words; and
- c) the pertinent literature to be reviewed includes publications from Canada, the United States or elsewhere where available providing they deal with the impact of pornographic material.

Procedure: Developing a Working Definition

The preliminary analysis of the readily available literature led us to adopt a working definition of pornography in conducting our search procedures. In brief: if the title or abstract contained a reference to the word 'pornography' (or its variants) then our search procedure identified it for further examination. The computerized search facilities of Waterloo and York Universities were employed for abstract searches in the areas of Psychology, Sociology and Criminal Justice (which included law) to identify relevant work published from 1975 to the present time. In addition, manual search procedures were undertaken of the Psychological Abstracts in order to test the reliability of the yield from other sources and was found to be highly satisfactory. As a precaution against missing key articles, we expanded our search to include the terms 'erotica', 'obscene' and 'sexually explicit' with no appreciable addition to the yield resulting. Finally, we cross-checked our output with available bibliographies, either published separately or presented in recent major review articles. Although this process contributed a few additional references, these were, for the most part, in the order of brochures, pamphlets, working papers, and papers presented at public or professional forums. Thus, the initial yield of this procedure resulted in identification of more than 500 citations, which, following a preliminary

winnowing process (e.g. eliminating dissertations published subsequently in journals; articles published in journals difficult to locate or request copies of in reasonable time frame) left us with in excess of 450 citations for closer examination. (See Appendix A) We deliberately avoid a precise figure simply because the amount of information provided by the abstract of some citations is insufficient on a cost/benefit basis to warrant further efforts at this time to locate the original source for appraisal (e.g. testimony before a legislative committee) yet still meets the working definition of pornography adopted.

The Framework for Review

The search for abstracts, is of course, only the preliminary phase of the reviewing process. In order to identify the key articles within the areas which require closer scrutiny, it is necessary to develop a framework to delineate the major issues. This, in turn, provides for categories which can serve as guidelines for review. Fortunately, this was provided for in the discussion paper prepared by the Special Committee on Pornography and Prostitution, titled: Pornography and Prostitution: Issues Paper (1983). The issues which the Committee wished to address appeared to provide three major categories under which the literature pertaining to the impact of pornography could be usefully divided. Society, Participants, and, Consumers. With this in mind, our reading of the abstracts suggested that a further breakdown of this literature under each of these headings was possible. Accordingly, under each of the three major headings we provided sub-categories for appraising the literature which reflected either the major focus of the article or the target group studied. This resulted in:

- a) general presentations
- b) adults
- c) children, to adolescence
- d) regional groups e.g. communities
- e) families
- f) special groups e.g. incarcerated sexual offenders.

As can be seen, the sorting of the literature into this matrix of categories enabled us to identify where the focus of much of the work was directed

while at the same time revealing where relevant work was lacking.

Within the context of this framework it quickly became evident that there was a substantial body of literature which had to be examined separately from other publications. Specifically, research employing experimental or quasi-experimental designs (primarily laboratory-based studies conducted with, for the most part, college students as subjects was seen as requiring a different type of critique than other literature.

The research experiment is conducted under rather stringent rules guiding its methodology and must meet a set of criteria in establishing its internal validity (i.e. to what extent are the results interpretable?) and external validity (i.e. to what extent can we generalize from the results?).

Thus, within the framework indicated, we sorted for the purposes of review the works into two further categories: Experimental/Quasi Experimental and Other. Although this procedure did not appear to substantially alter our conclusions in any way, it did provide us with some interesting insights into the 'state of the art' respecting research on the impact of pornography.

It should be made clear that this is merely a framework we adopted in conducting our review in order to enable us to make some sense out of what appeared to be a chaotic literature. Although this framework was helpful in bringing some method to the classification of research findings, it will not be strictly followed for reasons which will become obvious in subsequent sections of this report.

Before proceeding with the description of the research, it is felt to be necessary to discuss a variety of initial observations and analyses which are essential to provide a perspective in examining literature on the impact of pornography.

Developing a Perspective on the Issues:

What is Pornography?

What is pornography? Leaving aside for now the definitions provided by others, the problem of giving a clear, concise answer can be readily understood by means of an illustration. It is suggested that this brief exercise be prefaced by the more precise question: 'At what point does something constitute pornography?' Imagine if you will the following scene:

'A married couple is engaged in a variety of mutually consenting sexual activities. This takes place in a bedroom, there are no others present. Both partners express terms of love, caring, and endearment. They indicate to each other, with appreciation, a physically and psychologically satisfying experience.'

To this point at least, few would be offended or suggest that the incident per se would be considered pornographic. To illustrate the inherent problem it is only necessary to substitute or introduce some new variables into the scenario.

To accomplish this a series of statements will be suggested which can, each in turn, be applied to the scene described above. The questions you should be asking yourself as you take each piece of information and apply it to the scene are:

- i) If the scene was to occur in reality, what version, if any, would constitute pornography?
- ii) Precisely what is it in each version that makes it pornography?

Beginning with an assumption: Assume that the couple has left a video-tape recorder running throughout the duration of this scene. Now take each new piece of information and apply it to the basic scene and consider to what extent, if any, it might alter your judgment.

1. The tape is for their private use, kept secure and they alone will view it in the future.

The exercise then should proceed as follows:

- i) Having read the statement above, think about the example with this new information applied to it.
 - ii) Consider if this alters your perception of the scene in any significant way.
 - iii) Having made the decision, then disregard a), read the next statement and follow the same procedure.
- b) The tape is not only for their own viewing, but is also intended as an audio-visual aid to supplement sex education discussions with their adolescent children. At all times it will be kept secure.
 - c) The tape is merely part of a series of such recordings and is kept on the same shelf as other tapes of non-sexual family activities. It is readily accessible to any family member, including minors.
 - d) The tape will be viewed by others; friends and acquaintances some of whom are not family members, but all clearly aware of content and a willing audience. The showing is voluntary and no quid pro quo or other exchange is requested or expected.
 - e) The tape will be viewed by other members of an informal group which exchanges such material for private showings at individual or group sessions.
 - f) The tape is rented or sold to others for viewing.

As can readily be seen, the variations in situations which can be applied here are numerous. It would not appreciably add to our point to continue with these narrow alterations. But, in order to emphasize the difficulties a few further examples in a slightly different vein should help. Thus, returning to the scene:

- g) The 'marriage', although receiving public commitment by the partners has not received the benefit of a legally acceptable ceremony.
- h) One of the partners is under the age of 20, the other over 70 years of age.
- i) The 'marriage' is between a homosexual couple.

- j) The sexual activities include an array of practices which range from anal penetration to the use of paraphernalia distributed for sales as sex aides.

If you are persuaded that one or more of these scenarios clearly constitutes pornography as you understand it, it would be interesting to compare your own decision with that of others. By so doing, we suggest that you will find this a useful technique for furthering your understanding of the problem in addressing this issue.

In sum, at what point and under what circumstances do we arrive at our decision respecting; 'What is Pornography?' Further, is the image evoked by the altered scenario or perhaps even the description itself, pornographic?

The illustration is intended to serve as a brief introduction to the most basic question in this area. Since an acceptable answer has defied the best efforts of a pantheon of eminent and incisive thinkers representing nearly every conceivable discipline, any simple, general or specific rule, guideline or definition should be treated with caution and subject to close critical scrutiny.

It is unfortunate to have to state at the outset that the literature under review for this report is of minimal assistance in addressing this basic question. It often adds to the confusion, is occasionally incoherent and reflects a chaotic 'state of the art' respecting our knowledge base. 'Pornography' seems to attract extremes in definition; so narrow (e.g. operational definitions in specific experiments) as to limit any generalizability to other forms or situations; or, so broad as to render it unusable in everyday practice. It includes portrayals of sex without violence; violence without sex; sex and violence; and, can in turn be included or excluded from categorization by a myriad factors (e.g. content, context, consequences, etc.) Yet as Gray (1982) has noted:

"Defining pornography is the key problem in the debate over, and study of, its effect. Neither the (U.S.) President's Commission nor the U.S. Courts have come up with a definition acceptable to all." (p. 388)

It may appear distressing to begin a report by indicating that the literature which would help us understand the issue is in chaotic condition. Although the topic which would appear to be of considerable importance, the degree of conceptually cloudy thinking related to every aspect of the work on the impact of pornography was, in our experience, atypical. Where we expected to find serious work, we were often faced with blatant silliness. There were few indications of systematic attempts to provide an integrating framework for addressing any one of the issues surrounding pornography. In fact, the numerous previous versions of our manuscript, which filled many wastebaskets, led us to initially reconsider our whole approach to providing a coherent description and assessment of the literature. Gradually, we came to the realization that it was the material per se that lacked coherence and not our efforts to make sense of it.

It was somewhat comforting to discover that we were not alone in reaching this conclusion. One reviewer, McCormack (1984) in an article titled 'Making Sense of Research on Pornography' has expressed similar concerns about underlying themes. She has called these 'hidden scenarios' which might not be apparent to everyone consulting this research literature.

As a result, we developed a number of impressions and hypotheses which enabled us to develop a perspective as an essential step in coming to grips with a review of this literature.

These will be presented under the following sub-headings:

- *Pornography as a Social Issue
- *The Climate of Debate
- *Types of Definitions
- *The Language Problem
- *The New Generation of Literature
- *Pornographic Materials

Pornography as a Social Issue

Pornography is a major target as a social issue; a focal point for public concern and a prime candidate for the rallying call of those with particular interest in enacting changes in law and social policy. It is an issue which Canadians regardless of their actual experience with or understanding of pornography, can easily relate to on a general level. It is possible to object to extremes of explicitness without being identified as extreme in any other sense. On the surface at least, it appears to be relatively a simple issue; one in which 'common sense' should dictate our approach to the control of production, distribution and consumption of such materials in Canada. Few, for example, would quarrel with the condemnation of sexual exploitation of children or sadistic violence towards women, designed for the entertainment of some audience. . What responsible Canadian would support unrestricted access of children to all forms of pornography? Who among us would want a woman or child to be abducted or raped as a result of 'triggering' some disordered personality exposed to pornography? In a society where violence appears to be insinuating itself into every aspect of our daily lives: in media, sports or schools, it does not take a great deal of effort to persuade most Canadians to demand its absence from our sexual activities or sensual pleasures. The issue at this level has considerable appeal and it is reasonable to understand why many Canadians are mystified as to why there is even a problem to debate. "Why not quit talking and do something about it?". Therein lies the problem. Do what? About what? How? With what consequences? This report addresses only one minor aspect of this larger question: What have we learned during the recent decade about the impact of pornography?

Obviously, the dissemination of pornography and its effects is considered a pressing social issue; one which policy and law makers feel an urgent need to address. But why at this particular point in time? The question is raised because it is always beneficial to regard any social movement with scrutiny, when change with long-term consequences is the stated objective. In planning for change, as with law and policy, adequate preparation can prevent costly reparation.

First, it may be that visibility of pornography has surpassed the level of societal tolerance; that this has been accomplished by an actual increase in the amount of pornography available and, that the accessibility of pornography has enlarged its consumer audience. Although common sense observation would tend to favour such assumptions there is (as will be noted later) a surprising lack of documentation to support them.

To briefly illustrate the point that in this field the most basic premise must be queried, a study by Teske, et al (1980) reports on a continuing series of studies conducted on a sample of residents in the State of Texas (U.S.A.). With respect to the issue of societal tolerance; only 29% of the sample said that soft core pornography should be against the law whereas 89% favoured laws preventing production of materials displaying nudity of children (under 17). This is a State which supports the death penalty at the 86% level and 56% of respondents would have capital punishment in cases involving the sexual abuse of children. We find then, that basic assumptions require closer scrutiny.

At the time of this writing, Canadian data related to a level of societal tolerance regarding pornography is lacking. A study conducted by Bibby (1981) reporting on the results of a national survey conducted in Canada in 1975 can offer some assistance. In brief, Bibby found a majority of the respondents did not endorse the criminalization of the distribution of pornography to adults. It should be noted that at the time this study was conducted, child pornography was not an issue of major concern and the impact of introducing new media such as video cassettes and pay tv was still under speculation.

Second, pornography has been targeted for special attention by influence groups representing a broad spectrum of political and social orientation. McCormack (1980) has captured this ambience:

"Pornography being more marginal than either, and, therefore, thought to be less insidious, was not until recently high on the feminist agenda. Moreover, once the issue of pornography was raised it meant that feminists would have to confront the censorship issue. There were good reasons for

their not wanting to. In the past civil libertarians had supported feminists in their struggle to publish and distribute birth-control information and sex education literature. Their help might still be necessary considering that current anti-abortion groups are using antiobscenity postal laws to prevent sending contraceptive information through the mails (Steinem, 1978). In addition there were strong suspicions that feminist sentiments were being manipulated by ambitious district attorneys, that the present hysteria about child pornography, for example, might be a smokescreen diverting attention from various abuses by law enforcement agencies; beyond this, whether all of this male solicitude was not a further example of patriarchy with no real transfer of authority to women. Finally, there was the question of whether women were serving their own best long-range interests by increasing the power of the state for short-range gains. "Feminists who support censorship," writes Ellen Willis (1977), "are offering the state a weapon that will inevitably be used against us." (ops. 44-45)

In response, pornography has also become a fashionable focus for anti-pornography crusades, where such actions are viewed as a defence against threats to the equilibrium of society (Bland & Wallis, 1977).

Third, the apparent simplicity and emotional appeal contained in this issue provides fertile ground for focusing opinion by promoting associated ideologies which might otherwise be unacceptable to the person's belief system. Where the underlying theme is subsequent support of a broader network of beliefs, a conversion to the 'true belief' can hinge upon a commitment to a specific issue (Hoffer, 1951). A corollary of this is the finding that during times of perceived threat (e.g. unstable economic conditions) the general level of authoritarianism in the population increases (Sales, 1974).

Why should a characteristic like authoritarianism be seen as influencing a social issue such as pornography? Basically, authoritarian persons are those who wish to condemn, reject and punish others who violate ingroup values (Adorno, et al, 1950). In addition, and often misunderstood, is the finding that persons scoring high on measures of authoritarianism can be representative of either end of the political continuum, i.e., the 'left' or the 'right'. Of particular interest here is that two major aspects of the authoritarian syndrome are concerns over displays of overt sexuality and a

willingness to punish severely violations of sexual norms (Adorno, et al, 1950). Sales (1974) has provided strong support for these hypotheses in a series of studies using archival data. We can only suggest that the work of Hoffer (1951) and others, dealing with the study of social change movements, be seriously consulted to aid in formulating any analysis of contemporary concerns.

Fourth, McCormack (1984) has suggested that the introduction of any new media tends to heighten public awareness and social concern over the control of its access and content. The recent introduction of pay television and the rapidly expanding video cassette market represent a case in point. Some 'official' control can be exercised at the production and distribution level, but, for the most part, it is the individual consumer that must be relied upon to deal with access and control within the home. A tendency for persons to feel comfortable about their own judgments but less trusting of the competence of others to exercise similar restraint, can result in pornography serving as a focal point for concern about the new media.

Finally, we should keep an historical perspective when addressing the issues raised in the current debate about pornography. Major reviews (e.g. Abraham, et al, 1980) have traced the growth of pornography in the United States and its development as a legal issue. It is clear from reviews of this nature that the issues related to pornography are far from novel. In fact, the issues have occupied the collective concerns of individuals and groups for several decades (e.g., Abraham et al, 1980; Bordner & Herrman, 1979; Danner, 1978; Funston, 1978; Gray, 1982; Marcus, 1977; McCormack, 1980; U.S. President's Commission on Obscenity and Pornography, 1970 and, Rist, 1976).

Others such as Bordner, et al (1979) have addressed the development of judicial control of pornography in the U.S.. They also note that although the explicit portrayal of sex in public media is not a new phenomenon, it is only in the post World War II period that judicial controls began to be exercised.

Much of the attention has previously centered on the issue of 'obscenity' particularly attempts to arrive at an acceptable, functional legal definition (e.g., Bordner & Herrman, 1979) and the associated problems of enforcement (e. . Brown, 1977).

The Climate of Debate

At the outset, our task appeared simple. Review the pertinent literature on the impact of pornography, specifically those writings published during the past ten years. As our prior experience related to relatively sedate topic areas like prison riots, self-mutilation, and delinquency, we anticipated a straightforward task. We had experience in conducting research in laboratory and applied settings, training in academe and in the field and had previously undertaken critical appraisals of literature.

In short, we were completely unprepared for what we encountered.

This reaction was not from naivete. We recognized that the debate over the effects of pornography had become a priority issue for those concerned with changes in law and social policy. We were aware of some research reports and that these were considered to be of sufficient import to warrant a re-appraisal of the impact of pornography available in current markets. In sum we recognized that the increasing public nature of the debate on pornography had removed it from the level of polite discussion over the coffee table.

We suspect that most Canadians are unfamiliar with the level of conflict which characterizes the climate of current debate. Even those of us retaining residual memories of the strategies and tactics of confrontation over the previous two decades would register surprise at the methods of expressing opinions, beliefs and attitudes regarding pornography. Reasoned and informed debate has for many participants become subordinate to stridency, inflexibility and an unyielding proposal and defence for a particular position. Advocates of 'unacceptable' positions are subjected to personal insult not for what they are, but rather for what they represent. For many, it is good versus evil, we against they, in the combative climate for means by which social influence can be exerted to enact changes in law and policy. Now that we are familiar with this climate, the reluctance of many to enter the fray is better understood by us.

What is important to recognize here is that the task of the reviewer has become exceedingly more difficult because of the climate. The literature must be viewed in the context of the debate. Even the 'literature' must encompass by definition, writings which range from polemical works designed to influence public opinion through to laboratory-based research reports published in refereed scientific journals. The most difficult components of this literature to deal with are those which present their point of view as established wisdom - not by virtue of logical arguments or evidence but by adopting the style of scientific publication (e.g., footnotes, bibliography) without the substance (independent review prior to publication).

Why then, is this a problem of concern for advancing the understanding of the effects of pornography?

There is genuine concern among the public about the effect of pornography. It appears to be increasingly available and controls over access by minors seem inadequate.

The political commentator George Will (1984) has described the public display of pornography as a "...laceration of public sensibility". This seems to capture the expression of much public concern.

The public display of materials is apparently offensive to many and some predict that trade in prostitution, drugs and street crime will follow. The level of violence in pornography is felt to have increased as well. It is reasonable to expect that the average adult fears that most of these things, if not all of them, will be destructive to the individual, the family and their community. Some critics hold that because of its nature and view of sexual roles, that pornography can change attitudes towards sex and human relationships that will inevitably harm society. (See review in: Berger, 1977). In sum, there appears to be a general phenomenon of disproportionate concern about pornography although there is an absence of any strong evidence of behavioural consequences (Bell, 1976; Bibby, 1981; McCormack, 1984).

Canadians seeking further information from the various media receive what they believe to be a balanced discussion of the issues from which opinions can be formed. What we are suggesting here is that the climate of the current debate is exerting a distorting influence on the information available to the average adult Canadian. Balance, without a middle to support a fulcrum, is not a concept most of us feel comfortable with. It is even more troubling to try to grasp the possibility of the extremes occupying the same position in time and space. Yet this is the only metaphor which we can suggest to indicate the effect of this climate on current debate. Eric Hoffer in his analysis of the psychology of mass movements has noted a similar phenomenon in a more extreme sense:

"Though they seem at opposite poles, fanatics of all kinds are actually crowded together at one end. It is the fanatic and the moderate who are poles apart and never meet. The fanatics of various hues eye each other with suspicion and are ready to ply at each other's throats. But they are neighbours and almost of one family." (Hoffer, 1951, p. 81)

Hay (1980) has drawn attention to another confounding problem of media interest in the debate. Describing the situation in the United Kingdom, Hay notes the inter-relationship of the press and public pressure in reporting of sex crimes and concludes that there is support for the contention of the use of this material to create soft porno in order to increase sales. In other words, balanced information about the effects of pornography, is sadly lacking in most opinion forums.

This is really not a 'pro versus anti debate'. We have not found any serious attempt in the literature, or for that matter in any public forum, to proclaim a position of 'pro-pornography'. It is possible, and many do, to argue against obscenity laws, or for the decriminalization of offenses related to production, distribution or consumption of pornographic materials.

When we examine the anti-pornography position, a rather curious situation occurs. At the extreme, some argue that the apparent proliferation of pornography represents the cutting edge of a major decline in the morality

of our society. In this view, the public display of pornography and its proliferation is merely the vanguard of an invasion of immorality into our society. Sodom and Gomorrah is finding equivalence in contemporary Montreal, Toronto and Vancouver and as pornography insinuates itself into the streets and homes of Sackville, St. Agathe, Moose Jaw and Trail, the disintegration of morality results.

The remedy is a complete commitment to the 'anti-pornography crusade'.

In contrast, yet still at the extreme, others argue that pornography represents a deliberate construction of powerful segments of society to maintain the status quo. This position views man as beast, wearing a thin veneer of civilized behaviour, a misogynist despising women, while inventing, producing and distributing pornography for the purpose of exploitation, degradation and further oppression of women.

Pornography is the trigger by which the true or acquired nature of man is unleashed. It removes inhibitions, legitimizes rape and other forms of physical and psychological abuse, which for many proponents are the true motives of men.

The remedy is a complete commitment to the 'anti-pornography movement.'

Lest we be misunderstood, we are not questioning the sincerity of those proposing or supporting such positions. They are noted here as examples of conduits through which much of the information regarding pornography has been conveyed to the Canadian public.

Types of Definitions

It would seem almost overly simplistic to have to state that the accepted convention in any form of legitimate inquiry is to attempt to develop and arrive at a common definition of terms. In science, for example, such

definitions are essential in developing the hypothetical constructs necessary for building theory. If we are to achieve any understanding of 'pornography' then this type of exercise must continue unabated. There must be some mutual consensus about definitions of terms so that we know we are talking about or studying the same thing. The failure to do so can only result in confusion, erroneous conclusions and fallacious comparisons.

Pornography may be a word recognized by most Canadians. That to which it refers reflects a broad spectrum of differences among Canadians in what is meant by it. Thus, in order to speak to the issue of 'pornography' causing anything, it is essential to understand what any particular author means by the word: the term must be defined. We emphasize this point because one of the deliberate exercises under way in the literature examined is to engage in a process of re-defining pornography and its referents. In other words, the number and scope of definitions continues to expand, rather than contract toward a shared understanding of terms.

Obviously, such a state of affairs presents enormous problems for average readers and almost insurmountable difficulties for the reviewer of research based articles. As McCormack (1984) has indicated:

"...we very seldom have studies of pornography as such; instead we have experiments which use pornography as a stimulus." (pps. 34-35)

With much of the research-based literature, it is even more unclear as to how pornography is to be defined. More often than not, for example, authors seem to be defining pornography by its 'effects'. This implies more than a causal relationship, it suggests a state of equivalence which even under the most permissive rules of logic would be considered an extraordinary statement. In other words, rather than talking in terms where we describe antecedent (stimulus) events leading to consequent behaviours (response), where the former is said to cause the latter, some writers are treating pornography and forms of antisocial behaviour as equivalent consequences. Both are seen as a result of some other supraordinate, antecedent event (e.g. rape myth, male-dominated culture). Is it any wonder that people are confused when confronted with this

literature? McCormack has provided a very succinct example of one of the difficulties associated with the problem of definitions:

"For feminists, pornography is not dissent; it is, on the contrary, an extension of our misogynist (female-hating) patriarchal (male-dominated) culture. Pornography may shock certain segments of the community by the sexual acts it described; it may offend the sensibilities of others by its explicitness. But it is not, by any stretch of the imagination, a radical or alternative view of male/female relationships or of the nature of each's sexuality. It idealizes (macho) virility rather than challenging it." (McCormack, 1983, p. 223)

One school of thought seems to suggest that the term is impossible to define since a consistent theme in the literature is that 'pornography is in the eye of the beholder' (Trigg & Reinhart, 1979) or, 'that pornography is highly idiosyncratic (Abel, et al, 1975). In this view, the term and its linkage to physical referents is so variable in common usage for individuals and between persons that it is rendered meaningless. A variant of this type of definition suggests that whatever it may be it remains a matter of individual judgment. As McCormack (1983) has observed, however:

"To members of the New Left, saying that pornography is a matter of taste is tantamount to saying that racism is a matter of taste." (p. 219)

The problem proved so complex for the U.S. President's Commission (1970) investigating 'pornography' that they found it necessary to drop the term in their report, employing instead the phrase 'sexually explicit materials' (Dienstbier, 1977). In fact, the attempt to engage in definition, regardless of how laborious in effort at construction, have rarely stood the test of scrutiny for even brief periods of time. In the United Kingdom, for example a special committee dealing with obscenity and film censorship, known as the Williams Report (1978) attempted to define pornography in terms of intent (e.g. to arouse an audience sexually) and content (e.g. explicit representation of sexual material, e.g. organs, posture, activity).

As critics have noted, the problems generated with even this modest proposal have rendered it almost unusable in practice (e.g. Brown, 1981).

Some investigators have attempted to devise methods to determine if some particular material is deemed pornographic and if there is agreement between observers. The determination as to what was considered pornographic appeared to be related to other factors (e.g., professions, policies). The consistent theme in the conclusions of these types of studies, is also that determining pornography is exceedingly complex and defies a readily available solution. (e.g. Houston, 1974; Houston & Houston, 1974; Houston & Ohlson, 1974 a & b).

Other authors seem to find the definition of pornography as residing in assumptions regarding its symbolic or real purpose and/or consequences. In this type of definition pornography represents: the essence of anti-female propaganda (Brownmiller, 1975; Morgan, 1980); reflects a fantasy land where women welcome and wallow in degrading experiences (Gager & Schurr, 1976); as having little to do with sexual content but rather its degrading and de-humanizing portrayal of women (Longino, 1980); the theoretical framework which encourages and supports the practice of rape (Morgan, 1978); reflects the basic issue of power of men over women and the submission of women to that power (Stock, 1984); and/or in a culture in which men are said to despise women, it is conceptualized as the equivalent of rape (Dworkin, 1931). Consistent with this type of definition is the finding of Peek & Brown (1978) that consideration of pornography is symbolic of other political orientations and not simply an isolated issue. Furthermore, critics have noted that regardless of the purpose or consequences of pornography, it clearly demeans men as well as women. In contrast however, it must also be pointed out that men seem to have many more positive images and that as a result, they do not seem to be as disturbed by this type of portrayal (McCormack, 1984).

Although there may be some validity to this observation, it should also be clear that the physical attributes and behaviour of men portrayed in pornography are clearly not 'representative' in any common-sense understanding of that term, of 'average' Canadian male.

Presentations in support of these forms of definitions are often accompanied by selected samples of materials said to represent contemporary pornography and causally related to anti-social behaviour (e.g., Gilboa, 1983; Stock, 1984). As illustrative of some pornography, few would dispute this contention, but without supporting data as to its representativeness of pornography in general, it could be equally argued that the examples are drawn from highly selective and limited sample: that they are extreme. Thus a reasonable caution offered by Brown (1981) should be noted:

"Pornography is after all a definite and limited cultural form with a specific mode of effectivity. If it is to be assessed as a political issue for feminism then there must be some form of distinguishing it and of relating it to the possible feminist campaigns. Merely characterizing the pornographic in terms of extremes of explicitness is about as useful and as accurate as characterizing capitalism as extreme misery". (p. 5)

One approach which has generated considerable interest in the literature attempts to define pornography, in part, by deciding what it is not. In order to accomplish this Steinhem (1978; and in Lederer, 1980) drew a distinction between 'erotica' and 'pornography'. In brief, any sexual material which depicts only mutual power of choice and expression of pleasure, i.e. victim-free, are defined not as pornography but rather as 'erotica'. In contrast, any depiction which entails any form of victimization (e.g. pain, humiliation) is defined as 'pornography'.

We have only touched upon a few types of definitions here and before turning to the approach which provides the foundation for most research-based work, it should be noted that the problems of definitions have been extensively dealt with by others (e.g. Brown, 1981; Bullough & Bullough, 1977; Check, 1978; Gray, 1982; Kline, 1981; Lederer, 1980; Malamuth & Donnerstein - 1984; Martin, 1978; McCormack, 1984; and Zillman and Bryant, 1982).

To summarize to this point regarding the range of definitions, McCormack has indicated:

"There is no consensus about what pornography means as a distinctive genre (the profane), how it differs from graffiti and other forms of profane. Nor is there any agreement about what it means philosophically or socially." (1984, p. 33)

We now turn to a final category of definitions which provide the degree of precision lacking in other work. The compromise that is required in order to gain precision is that the definition may become so narrow that it inhibits generalizability to other forms of pornography.

For the most part, those reports which describe research conducted within the conventions of the scientific method, do not pose as difficult a problem for the critical reviewer analyzing their work. In any controlled experiment for example, where some variables are deliberately manipulated to examine effects on other variables, the researcher is accorded a valuable tool: the operational definition. Simply stated, the terms are defined, within the bounds of common sense, by the operations used by the researcher to study them. To illustrate: a study of the effects of the exposure to pornography on the self-esteem of young adults, stated as much, tell us very little about 'effects', 'exposure', 'pornography', 'self-esteem', or 'young adults'. It is only when we are presented with precise definition of these terms, used in the specific study, that we are able to begin to make any critical sense out of the research. If the researcher defined 'pornography' as a film containing only slow motion scenes of birds in flight, our critical appraisal would differ considerably from that in which the same term was defined as a film containing only scenes depicting a variety of specifically defined sexual acts involving groups comprised of adult males and females in activity with children of both sexes, aged 7 - 10 years.

In other words, the operational or working definition of 'pornography' is provided by a description of the film and its content (i.e., stimulus materials).

We dwell on this point at some length here in order to bring attention to the magnitude of the problems facing anyone attempting to make sense out of the literature on pornography.

During the course of our review, we were confronted with a troublesome observation. Theory and review articles, many of these representing the most reasoned, well-argued and persuasive writings in this area, appeared to be reaching disparate, if not incompatible conclusions.

How is the average reader, consulting the experts, to reconcile such statements as:

"At present, the move towards suppression of extreme forms of pornography is not supported by solid empirical evidence of the harmful effects of pornography". (Gray, 1982)

with:

"Researchers have shown, for example, that exposure to even a few minutes of sexually violent pornography, such as scenes of rape and other forms of sexual violence against women, can lead to anti-social behaviour and attitudes."
(Donnerstein & Linz, 1984)

How is the reader to make sense out of such apparently incompatible conclusions such as:

"The research available shows that violent pornography has anti-social effects which have not been observed from exposure to purely sexual material." (Stock, 1984 p. 2)

with:

"There is no systematic evidence that people copy what they see or read about in pornography. On the contrary, there is strong evidence that sex patterns once established are as difficult to change as any other social habits and in addition there are strong inhibiting factors that keep our responses within the cultural norms." (McCormack, 1984 p. 36)

These results obtained in spite of the fact that the same reports of primary research were used by the writer(s) in building their arguments and drawing conclusions from them. When such a situation arises in an area of inquiry,

where more precise definitions are available, the only solution for the reviewer is to consult the initial source and conduct an independent appraisal.

This is felt to be essential in this literature, for the additional reason that many of the writings from areas other than the social sciences base many of their arguments upon an appeal to the reader to accept 'the clear results of research conducted by scientists.' Such appeals to expertise, interpreted accurately or erroneously, must nonetheless be treated seriously by the research community and responded to.

Before we leave the problems of the vast array of types of literature, it is always helpful to remind ourselves to maintain a broader perspective in dealing with pornography.

"I believe that the content of most sexual fantasies is not inherently bad simply because it is silly, or angry or not representative of the 'real' sex life of most people - or even because it may shape reality ... In sex, there can be elements of objectification, of dominance, submission, competition, lovelessness and pain. Some people may prefer to repress this in their sex lives; others may take delight in expressing them. But pornography reveals the options both exploitative and non-exploitative - options which are independent of the existence of pornography. Often revealing to consumers what they like, pornography is equally capable of demonstrating what they don't like."
(Gray, 1982, p. 394)

The Language Problem

"Then you should say what you mean, the March Hare went on - I do; Alice hastily repeated; at least - at least I mean what I say - that's the same thing you know."

Lewis Carroll (C Dodgson)
Alice in Wonderland, Ch. 7

It should come as no surprise to the social scientist, yet inevitably does, that once research enters the forum of public debate it is grossly misunderstood, always over-simplified and on occasion deliberately distorted in the service of advancing or repelling arguments about the issues.

This represents the clearest illustration of the problem of the different languages used by those involved in usage. It must conform to accepted conventions which, in turn, are the product of an established history of debate regarding the philosophy of science and the application of the scientific method. As such, the training of persons engaged in research is also a period of introduction to a novel language - the language of science. Here, where elements of rigour, precision and cautious selection of words predominate, the uninitiated often see dry, technical or 'wishy-washy' meanderings as substitutes for clear statements of fact in support of some 'truth'. Recognition of this problem has led to the development of a variety of sincere attempts by scientists, policy-makers and the information-seeking public to provide forums designed to reduce this inherent language problem. In recent decades, scientists have undertaken to interpret their research and its limitations to a wider audience. Therein lies one of the major obstacles to success. It is almost a self-defeating exercise for anyone to attempt to demonstrate and sell a product (research) while at the same time reciting a litany of its limitations. For the most part, however, with patience and ingenuity such difficulties have not posed insurmountable problems for those seeking to advance their knowledge base on important issues.

Why then, is this a major problem in the debate on pornography?

First, as the debate on any social issue begins to involve wider audiences, people search for some expertise to gain information. As the climate of debate becomes more heated, the requirements for information become more pressing and immediate. To simplify, demands are then placed upon research which is not designed to satisfy these needs, under these circumstances. The researcher is called upon to make clear and definite statements about a body of knowledge that is neither clear nor definitive. "Yes or no; pro or con; does it or doesn't it?"

Since the questions can rarely be formulated in a manner which allows the researcher to answer unequivocally, the inevitable result is a sense of frustration from all interested parties. Unfortunately, as in the case of the debate on pornography, many undesirable consequences ensue. Assumptions are made or accepted as given without close scrutiny. Expert opinion devoid of attempts to explain limitations is sought and found. Published research, appearing in forums where a level of critical expertise is assumed, is surveyed for statements which seem to support or refute arguments. Such consequences can only serve to confound reasoned debate, and lead to the development of social policy lacking a clear and essential long term perspective.

Second, as the climate of debate heats up, positions polarize and harden, relationships become adversarial without benefit of training or guidelines normally applied to adversarial conduct, and language takes on properties which can be misused or misconstrued. For example; the scientist may write: 'the results are inconclusive'; 'the effects are trivial'; 'the increase was not significant'; or the like, when presenting a research report. In so doing the researcher is adopting a precise language conforming to the conventions of the scientific method. If the research report pertained to "The Effects of Coffee Intake on the Productivity of Civil Servants", it is unlikely that the language would be considered highly provocative. In contrast, where such statements have appeared in the literature dealing with pornography, these have occasioned strong response from its readers. If pornography has the potential for causing harm or leads to harm-doing, then words such as 'trivial', 'inconclusive', 'not significant', and the like, suffer in translation. In such instances, the scientist is not writing that pornography does not, without any certainty cause harm; that it never has or ever will; that there are no circumstances under which it could conceivably do so; or any statement which would reflect that degree of certainty. What they are speaking to is the evidence before them.

This is a difficult distinction to explain or adhere to under the best of circumstances. In the face of some arguments which characterize the current debate it is essential. "Here we are, concerned about pornography causing rape, murder and mayhem of every conceivable type; being a major cause of degradation, exploitation and oppression in our society; or even a symptom of moral decline of our country; and you use words like 'trivial' when talking about its effects!".

The response, as unpalatable as it may be, must be 'yes'. As long as the questions posed for research are not accepted (e.g., 'the evidence available to date does not support ...'), beyond the capacity of research to answer without a high degree of certainty, or, formulated in such a manner which renders research incapable of providing assistance, then this language problem will persist.

Third, the literature in this area tends to fall disproportionately into the categories of the 'deadly dull' or 'deliberately shocking'. Although we have developed a number of hypotheses to explain this curious phenomenon they must remain in the realm of speculation.

Since the work of social scientists tends to gather in the first category it is fair to infer that the conventions which dictate form and content of research reports, appearing in professional forums, serves an ameliorative function in language usage. In contrast, the ideologue is constrained only by law as to what is said and how it is conveyed. This matter is complicated further by the social scientist-ideologue, i.e., persons trained in the discipline of social science who have at some time become 'politicized' toward social issues. The latter is the most difficult to deal with in critical review of their work, not simply because they do not announce this but rather, the assumption of the reviewer must always be that the tenets of objectivity in research should prevail when 'wearing the hat' of a social scientist. Reiss (1981) for example, has found that ideologies, other than the application of the ideology of science, are operating to bias public debate on pornography.

It should be made clear that we are not implying here any deliberate attempt to mislead or misrepresent research or findings. The concern of the reviewer is to try to ascertain if any systematic bias is operating in the conduct or reporting of research. If this was found to be the case, it could lead to the drawing of erroneous conclusions or to drawing of inferences beyond the limitations imposed by threats to the internal or external validity of the specific research reported.

We would be remiss if we did not pause at this juncture to suggest a potential factor operating in the social sciences which should be openly addressed. Another possible influence that may be serving to produce non-systematic or disproportionate types of research on pornography is that there has been (and probably still is) an informal, implicit list of 'risky' or 'taboo' topics which surface from time to time in the scientific community.

Koestler (1973) for example, has documented the effects on one such incident of the natural sciences - Lamarckism. Work on topics such as Extra Sensory Perception (ESP), altered states of consciousness and the like are examples of once considered 'taboo' areas which subsequently gained some degree of respectability in this community. Pornography, for some time was considered a risky area on which to begin one's career. It may well be that one effect of the U.S. President's Commission (1970) was to make such research less risky and more acceptable. It seems reasonable to speculate however, that in the ensuing years there is still some residual concern among academics on the propriety of pornography as a subject matter for their discipline. One consequence could be a selection factor operating in researchers willing to commit to this type of research. It is not entirely clear to us what the selection factor would be, but from discussions with social scientists who have, or still are conducting research in this area, one factor would have to be a willingness to participate frequently and effectively in less sedate public forums than the student seminar. As any public figure knows, the rough and tumble of debate over emotion-laden social issues takes its toll from even the most seasoned veteran of public attention. Another consequence could be an excess of either caution or zeal in the conduct and reporting of research.

In dealing with less volatile topics this would not usually present a problem. But, where others are interpreting research for public information it is the felt obligation of the social scientist that the caution in reporting should be met by an equally excessive vigilance and ready response to misunderstanding or even misrepresentation of reported work.

Fourth, one of the major problems for anyone writing anything in this area is the nature of our language per se. We are not suggesting a novel finding here; writers from Freudian's to Feminists have drawn attention to the sexual basis and often sexist bias operating in language usage (e.g., Grecas & Bibby, 1976). In writings about pornography this becomes particularly salient precisely because it is an issue of very real concern to many Canadians. As such, they wish it to be treated seriously. The writer then must select words and phrases with caution, ever vigilant for the unintentional pun, double meaning or tasteless joke which could serve to detract from the serious points being presented.

Thus, the 'deadly dull' category is filled with writings which often appear stilted, disjointed and awkward, where words and phrases in common usage are eliminated from the potential repertoire of the author(s).

In contrast, those wishing to convey powerful messages are free to employ this language and draw attention to it as indicative of the general theme of the pervasiveness of sexist bias in our language, images and culture. This is not to suggest that these writers are any the less serious about the issues of pornography; it is meant only as an explanation for what may be a lack of adequate representation of the research in discussions regarding pornography. To complicate the problem even further, research indicates clear gender differences in language used to describe sexual experience (Hood & Hall, 1980).

It is not surprising then, if our hypotheses have any foundation, that there is a high degree of reliance on secondary sources, interpreters of research and/or those unconstrained by the conventions of the scientific method in

communicating information to the public. The 'deadly dull', as a result, suffers in translation yet often contains the most vital information for decision-making.

Finally, we have deliberately avoided the confusion surrounding the issue of 'obscenity'; the proliferation of circumstances in which the terms are used either interchangeably or seen as distinct from those used when discussing pornography. Although our search procedures were targeted to enable identification of literature dealing with obscenity, this report will retain the language of our working definition - pornography. There is an abundance of confusion already available without adding to it at this point (See reviews in: Bosmajian, 1978; McCormack, 1983). In sum, we have only addressed some of the problems we have encountered stemming from this language problem. It has been noted in order to provide a context for the style of this report; as partial justification for attempting to disentangle this potpourri of 'literature' in a coherent form.

The New Generation of Literature on Pornography

In order to undertake a comprehensive review of a body of literature it is standard practice to identify and enumerate some 'key words' which will enable the reviewer to locate, collect and collate the relevant literature for further appraisal. In addition, works which purport to summarize the knowledge base (e.g., review articles, bibliographies) are sought to aid the investigator in developing an overview or framework of the issues in the area. In most instances, this practice has proved helpful and enlightening. In this instance, the initial result was confusing and intriguing. Although we have already touched upon some of the explanations of this apparently chaotic 'literature' pertaining to the impact of pornography a few others should be mentioned.

Clearly, there is an entirely new generation of writings which have appeared since the 1970 report of the President's Commission on Obscenity and Pornography was published in the United States. As indicated, we identified more than 500 citations, published since 1975 which purport to speak to the issues said to be relevant to pornography. As new generations are wont to do, this one, although retaining much of the previous one's traditions, had a distinctly unique style in many of their writings and different focus for the activities.

The traditions maintained include such diverse items as: the use of research methodology as a tool for inquiry; reviews of published works; annotated bibliographies summarizing relevant materials; and articles advancing theory.

Style and focus differences are often dramatic and always difficult to deal with when engaged in constructively critical review. For example, an article which represents a study of ideology presents a far different task for the reviewer than an article which advances a particular ideology. We are equipped and willing to do so for the former, but for reasons which should be obvious are disinclined to do so in our professional capacity for the latter. Some of the stylistic differences which we found distressing reflected, it is reasonable to speculate, the author(s) enthusiasm for and commitment to a particular position.

We found instances of editorializing under the guise of objective appraisal; gross leaps of inference in drawing conclusions from data which simply does not support or warrant it; dismissal of data, studies or even vast segments of a body of knowledge because it does not accord with a particular position; or, questioning the credibility or generalizability of research based on the gender of the researcher(s).

Lest we inadvertently leave the impression of a field rife with raving fanatics it is our obligation to state that even the most experienced investigators are capable of letting their enthusiasm overwhelm critical judgment in their work. Clearly this occurs in every discipline and most researchers have been vulnerable to it at some time in their career. Fortunately, they are usually returned to reason quickly by the process of scrutiny by their peers. Of particular concern to us in reviewing the recent literature on pornography was the conspicuous absence of a similar process acting stringently, uniformly or consistently.

A major difference in the focus of the recent literature has been in the attempts to include females as research subjects. Many critics have pointed out the potential for bias in results using exclusively male subjects or married couples and some have argued for the need to study women independently from men (e.g., Cantor, et al, 1978; McCormack, 1978; Schmidt, 1975). Although some progress has been made in this area, there remains a disproportionate amount of research using males only, and for the most part, male college students (McCormack, 1984).

Finally, the differences in focus of the new literature are most obvious in the high concentration of work directed at the issue of the potential for harm caused by pornography. More specifically, much of the impetus for this work comes from analyses of harm-doing behaviour of males which is thought to be either caused or facilitated by exposure to pornography. This may serve also as a partial explanation for the failure to remedy the knowledge base respecting females and pornography. As Gray (1982) states however, the issues are now based on the assumption that:

"The key question in research on pornography is whether there is a link between exposure to pornography with sexually violent themes and either sexual violence or greater tolerance by society of sexual violence."
(p. 389)

It is necessary to caution, in summation, as Dienstbier (1977) has done:

"Our assessment of the impact of exposure to violence and explicit sexuality should rely primarily upon the available data. However, if our model of humanity and belief implied that model are not supported by those data, then we do have the right, perhaps the obligation, to raise the issues of bias in the data and in those who have gathered and interpreted those data, keeping in mind the possibility of biases in our interpretations. But however, we balance and bias the available evidence, our conclusions will make little sense unless we consider the inherent nature of the human about whom we speculate, and the powerful forces of human culture." (p. 186)

Pornographic Materials

"Whatever the explanation, there is agreement that the line dividing the bawdy from the pornography has become blurred, that past prior restraints (either self-imposed or by the state) are no longer operative with respect to violence against women, and that there is a profitable market for a type of sado-masochistic pornography that has the immediacy of unedited fact rather than fiction. The quality, if not the quantity, of pornography has changed." (McCormack, 1980 pps. 47, 48)

Setting aside, for the moment, any consideration of a (universally) consistent definition of pornography, erotica and/or sexual content we can examine the extent to which the available literature addresses the notions that sexual, pornographic content in the media has increased and that materials which link sex with violence (particularly towards women and children) constitute an increasing proportion of available pornography. As Check & Malamuth (1983) have argued:

"An important assumption underlying both the feminist view of pornography and the social learning interpretation is that there is in fact a significant amount of abuse of women in pornography." (p. 16)

Although it is not clear what they mean by 'significant' it is nevertheless important for all assumptions used in discussing pornography to be scrutinized

and documented. A variety of approaches (content analysis) and media (print, photography, drawings, cartoons) have been analyzed with this in mind.

In considering this research it must also be assessed in the context of social change. One might expect, for example, some dramatic shifts over time given increasing participation of women in the work-force, and apparent shifts in level of acceptance of sexual activity outside marriage.

Annant, (1976) compared contemporary story lines in popular fiction (magazines, produced by and for women) to themes found in 1958. In general, while specific characteristics of the protagonists had modernized (e.g., status, jobs, age) traditional domestic arrangements were still popular resolutions. References to pornographic films and sex shops were no longer found in more recent stories. Similar results were reported by Anasagasti, et al (1977) in an analysis of Spanish photo - novels. Romantic themes predominated, women were depicted as provocative and conflicts were resolved by marriage. This, the author points out, occurred during a period of increasing participation of women in the work-force of the country.

Gair & Hurowitz (1976) conducted theme and content analysis of 100 'true confession' type stories and compared it to a 1966 analysis. Little difference was reported in the percentage of explicit sex contained in the stories or in the sex of the narrator. The author concluded that this type of magazine continues to endorse a traditional moral code i.e., marriage and domesticity rather than the values of the responsibility and choice.

In an analysis of the erotic content of French literature depicting the American female, Huvos (1976) reports a significant negative change after the 1960's. Females were increasingly portrayed as perverted, depraved, nymphomaniacal and homosexual. The author interprets this finding as reflective of anti-American sentiments. In other words, it does not reflect a change in sexual attitudes or behaviour of author (s) or audience, but rather as represents a shift in political orientation.

Moving to more specifically "adult" materials, Malamuth and Spinner (1980) conducted an analysis of portrayals of sexual violence in pictorials and cartoons in two popular 'men's' magazines (Playboy and Penthouse, June 1973 - December 1977). They found that such content had increased but did not exceed 10% of all cartoons and 5% of photographs or drawings. This study is widely cited as evidence for the increasing violence in pornography. Critics have pointed out however that this apparent increase is both minimal and marginal and could be accounted for by other variables (Gray, 1982; McCormack, (1984). Gray (1982) for example, has noted that Malamuth and Spinner's criteria of sexual violence included depictions of sado-masochism which is:

"...a form of sexual expression which can take place between consenting adults and is not necessarily exploitative or violent against women..." (p. 338)

In addition, she suggests that the increase reported by Malamuth & Spinner can be simply explained by changing fashions in sexual expression (Gray, 1982)

Dietz & Evans (1982) classified 1,760 heterosexual, pornographic magazine cover photographs by content. In contrast to 1970, when women alone were the subjects of the majority of cover pictures, in 1981 only 10.7% fell into this category. Of non-normative imagery displayed, 17.2% of the 1981 covers portrayed scenes of bondage or domination, 9.8% group scenes and 4.4% represented transvestism or transexualism.

Palmer (1979) found, in a content analysis of 100 pornographic comics (known as '8-pagers') that females are depicted as similar to males in their carnal appetites and that sexual fantasies are equally displayed and fulfilled. Although behaviour considered legally and/or morally deviant was portrayed, generally speaking 'normal' sexuality predominates by concentrating on adult, monogamous, heterosexual behaviour.

Smith (1976) sampled approximately 428 American 'adult' paperbacks and concluded that although sexual content had increased since 1969, it was usually of little relevance to the story line.

Gerbner & Gross (1976, a & b) argue that a thorough analysis of projected message content in media is the crucial approach to predicting impact on viewer attitudes and behaviour. In considering this approach however, the caution articulated by McCormack should be kept in mind:

"There is a serious question of whether people, young or old really do imitate what they see on television; and, if they do, why they imitate some forms of behaviour and not others."
(1984, p. 9)

Perhaps the most complicated issue addressed by research, yet far from understood is the complex, multi-variate nature of the most minor variations of content or context on viewer response. Carducci, et al (1978) found that characteristics of the stimulus person shown in pornographic materials can substantially affect subsequent viewer judgments. Dunwoody & Pezdek (1979) using the most basic pornographic materials (still photographs) found differences attributed to such micro-variables as clothing and posture. The findings of High, et al (1979) suggest that materials presented in black and white images produce similar responses as to stimuli shown in colour. Some researchers, in order to impose some systematic framework on stimuli to be displayed as erotica or pornography in their studies have attempted to circumvent such problems by producing their own materials (e.g. Malamuth & Check, 1980).

Not only do we know little about how variations in stimulus content impact on consumers but also have minimal understandings of the effect of viewing context on perceptions.

Avoiding a litany of earlier studies devoted to this problem (e.g., Tannenbaum, 1970) it is fair to suggest that such diverse variables as: instructional set in anticipation of viewing (e.g., James & Joe, 1980); placing of arbitrary age restrictions on stimulus materials (Zellinger, et al, 1975); simply labelling a material as pornographic (e.g., Pincus and Waters, 1976); viewer personality variables such as level of sex-guilt (e.g., Schill, 1975; 1980); the range and type of viewer's fantasies (e.g., Crepault & Couture, 1980); (Abramson & Mosher, 1979); gender of viewer or even phases of the menstrual cycle (e.g., Schreiner-Engel, et al, 1981); have been more recently implicated in directly influencing or mediating viewer response to pornographic stimuli.

As Able, et al (1981) have shown in other research, the complexity of interactions of independent variables with classification categories (e.g., diagnostic groupings) renders this entire situation problematic. In brief, it defies simple solutions. Yet without a clear understanding of the multi-variate, multi-dimensional nature of the experience of a person's exposure to pornography, then efforts directed towards understanding cause-effect relationships cannot be adequately assessed. When, for example, we have to consider such curious variables as the effect of the 'pill' acting upon the menstrual cycle to produce differences in sexual arousal to pornographic stimuli, then we must be exceedingly cautious in interpreting any research purporting to establish such complex relationships as those between pornographic stimuli and aggressive behaviour. (Abramson, et al, 1976).

As a reminder, we are still at this point dealing with the host of content and contextual variables which impact on stimuli and viewer response. It is still another large step to even begin to consider variables that address more directly the problem of the complex processes which are involved in specific stimuli causing changes in behaviour. As Check & Malamuth (1983) note:

"Specifically, there is a need for further research on the intervening processes that may mediate the relationship between pornography exposure and behaviour change." (p. 43)

In attempting to assess literature dealing with 'effects' of pornographic stimuli, we must also take into consideration the consistency of research findings related to the respondent's ability to exercise volitional control over their own level of sexual arousal. (Crepault & Couture, 1980). Further as Hoon, et al, (1977) has shown, sexual arousal is not always clearly differentiated from other arousal states (e.g. anxiety) in response to pornographic material.

As Schachter (1971) and subsequent researchers have clearly demonstrated, a state of physiological arousal will lead a person to seek an explanation in order to provide a label (an emotion - anger, joy, etc.) for this experience. In other words, physical arousal per se is for the most part a 'neutral' state until appropriate labels are applied to it. Labels which describe an 'emotion' are supplied from available cognitions or cues in the persons' environment. Although this process may seem complex as summarized here, it is felt to be essential in understanding much of what is going on in laboratory-based research on pornography.

Given the complexities surrounding the most basic issues of what variables affect our determination of the pornographic, let alone how much of 'it' there is, our concern over the tendency of many researchers during the past decade to escalate into even more complex experimental situations can be more readily understood. Although more systematic attempts are under way to expand our knowledge base (e.g., Freund, 1978, on scales of erotic value; Houston & Houston, 1974, in their work on judgment analysis; Knipe, 1978, on semantic analysis of pornographic stimuli; Mosher and others on sex-guilt as a mediating variable; and Storms, 1980, 1981, on determining developmental processes by which stimuli are later considered erotic; to cite a few) we can only register an appeal for future investigators to consider addressing the most basic variables influencing viewer responses in their research programs.

We are left then with the frustrating conclusion that what is considered pornographic is related to a complex set of variables, devoid at this time of an integrating theoretical framework (Trigg & Reinhart, 1979).

SECTION II

DESCRIBING THE LITERATURE

Overview

The preceding pages were devoted to an attempt to identify a number of themes which were felt to be essential in developing a perspective from which the literature on the impact of pornography could be described and assessed. The explanations which were provided must remain, for the most part, speculative: as a partial explanation for the current state of disarray which seems to be characteristic of much of the available work.

The task now is to present the material in a format which will facilitate understanding of the addition to our knowledge about pornography during the recent decade. In order to accomplish this the material will be presented under three major headings which reflect the writings and research with respect to:

1. Society
2. Participants, and
3. Consumers

Clearly, the format adopted in this report has been unorthodox. By prefacing a description of the literature with a discussion of issues which appeared to be influencing the type and direction of work in this area, the style of the review represents a departure from convention. This method was a deliberate and carefully considered choice. As will become apparent, the decision to proceed in this manner was largely dictated by both the literature per se and a desire to convey the current state of it. Thus, the section to follow will provide a description of the work examined within the framework of the reviewing process. In so doing, however, we again depart from convention in the sense that much of the work will be presented as reported by the author(s). Suspending detailed specific critical judgment at this juncture is not practice that is comfortable for us: simply necessary. The decision is taken with two

factors in mind. First, that there are many writings which advance a particular ideology, present undocumented opinion, or report a mixture of opinion and over-simplified excerpts from other work. The problem with this type of work is that the reviewer is left in the position of either disagreeing with an ideology or opinion, or, in the absence of any conclusive research to support constructive criticism which contradicts the position, of consistently pointing out that there is no evidence to warrant the interpretation.

Second, even under the best of all possible conditions, research produces less than perfect outcomes. Each study has its own limitations and comparisons with other work reflects the basis for most of the controversy in scientific debate. As indicated earlier, the research on pornography seems to be plagued by a variety of factors which render it more problematic than other areas of inquiry. To attempt to dissect the technical problems associated with each piece of research we examined would require several volumes of critique and an incredible degree of patience by the reader. Although occasional comment or illustration will be used, the discussion of the problems and limitations of research will be reserved for a separate and subsequent section of this report, followed by a summary of our conclusions.

1. Society

General Assumptions

When discussing pornography and its impact there are a number of assumptions that require clarification. Since the tendency for much of the literature is to focus on extreme examples, many of the most basic considerations receive minimal, if any emphasis in the debate surrounding what we know or should do about it. As indicated in previous comments on pornographic materials much of the recent work lacks clarity with regard to whether they are addressing the question of the act of viewing pornography, viewing the acts of pornographic portrayals, or some complex interaction of both factors.

Perhaps more basic, yet rarely noted, is that most pornography (excluding that which could be considered as comprising works of 'art') is superficial, often silly, and by common-sense standard reflects atypical physical attributes and behaviour. Further, that the average person would construe even the more sophisticated pornographic fare as representing 'reality' in any shared understanding of that term would constitute a sad comment on the human condition (Brown, 1981; McCormack, 1980). Whether it offends or titillates is irrelevant in this context.

Finally, a point which should be patently obvious but unfortunately neglected in work on pornography is that adults capable of functioning in contemporary society are also quite able to distinguish the difference between reality and fantasy. That such a point requires stating is indicative of the overly simplistic model of human behaviour which is reflected in this type of work.

Pros and Cons: General Views

The debate on pornography generally centres around the potential for benefit or harm, in the short term, to the individual, and in the long term to society. Although the emphasis of the greater proportion of writings is on the potential for harm, the issue of generally non-harmful, even beneficial effects has been raised.

The findings of the substantial, extensive work of the U.S. President's Commission reported on in 1970 led a majority of the members to the conclusion that pornography had not been shown to be harmful to the individual or society and perhaps could be beneficial as an aid to education. Raboch (1976) has argued, after reviewing the literature, that even considering the apparent increase in permissive attitudes among North Americans toward pornography that correct information concerning sexual problems which could be conveyed through this type of material helps the population to establish sound attitudes toward sexuality. Gray (1982) has noted that pornography, regardless of its potential for evoking positive or negative reactions, still retains some value by enabling

the consumer to decide what they like as well as what they dislike among forms of sexual activity. Check & Malamuth (1984) in applying a social learning theory approach, has reasoned that some forms of pornographic content could be produced which could show negative consequences for maltreatment of others. This could be accomplished for example, by portraying dire consequences (e.g., castration) following a rape scene.

English (1980) has drawn attention to the psychoanalytic interpretation which would suggest that pornography cannot be expected to alter the fundamental nature of our psychic make-up but can provide a means for releasing aggression. This notion of (vicarious) catharsis through exposure to pornographic stimuli has been critically evaluated by McCormack (1984) leading her to conclude that although there is dissatisfaction with this view among academic circles it retains some merit and cannot be completely discounted.

Some critics have also pointed out that the emphasis placed on the entire issue of pornography is entirely out of proportion to either its known or hypothesized effects (e.g., Berger, 1977; Brown, 1981; Gray, 1982; Housknecht, 1978; McCormack, 1984).

Those voicing this particular criticism generally point out that studies of the harmful effects of pornography are consistently inconclusive and that expectations that they would be anything but this are unrealistic. For most people, it is argued, exposure to pornography is a relatively infrequent, incidental, and insignificant event in comparison with other factors in their total life experience (e.g., sex-role socialization, exposure to television violence, coping with the expression of anger).

In sum it is not necessary to adopt a pro-pornography position in order to make a reasonable statement regarding the persistent failure to provide conclusive evidence of harm while suggesting potential benefits, or to venture one step further, to highlight the ramifications of measures designed to control

pornographic materials (e.g. Berger, 1977). Many incisive and thorough critics have been led to this conclusion when examining the available evidence. In contrast, the number of writers adopting anti-pornography positions are legion. As summarized earlier (c.f., 'Types of Definitions') these critics represent a vast, apparently disparate array of belief systems (e.g., political or religious orientation). It would be redundant at this point to reiterate the specific arguments advanced by the groups which appear to be active agents for influencing changes in law and social policy (See reviews in: Berger, 1977; Brown, 1981; Lederer, 1980; McCormack, 1983;1984). Recent advocates have tended to build argument through a blend of samples of pornography, references to research findings seen as supportive, and reports of anecdotal experience (e.g., Stock , 1984).

The exercise of disentangling these apparently inextricably interwoven arguments is exceedingly difficult. Some are simple, others complex. Some are elegant and persuasive, others merely silly and confused. More importantly, for the purpose of this review, is that the general views expressed as well as the underlying thematic assumptions used, remain consistent regardless of the 'evidence' marshalled in support of argument. In brief: pornography is inherently harmful. That is the fundamental and unchangeable premise for advocates of this position. Points of disagreement are reflected in a lack of consensus regarding definitions of terms included in the premises and the means by which potential for harm is to be realized. Stanmeyer (1979) for example argues that pornography tends to portray non-normative sexual behaviour as permissible and promotes the belief that this is an essential aspect of sexual pleasure. As such, and even if it can't be established that pornography causes sex crime, the potential for psychological harm renders it a deadly threat to the future of society.

There appears to be a broader consensus of the need for control or elimination of pornography when the issue is discussed in terms of that proportion which includes young persons or violence. Vivar (1982) for instance argues that violent pornography is morally repugnant and has so little social value that society has the unquestionable right to reject it. We must inject a note of

caution that arises out of discussing pornography only in this context: i.e. if we do not differentiate between the many forms of behaviour portrayed in attempting to determine if there is substantive agreement in society as to the actions to take in dealing with it. Gastil (1976) in presenting an overview of the 'moral majority' position, discusses the possibility that if a majority of the people claim harm from pornography (or public obscenity) then a plausible case can be made for its elimination. In other words, if a broad base of agreement is achieved and that this constitutes a majority, then actions which may affect all pornography could, conceivably, be seen as justified.

Whether this argument has merit or not, our concern is reserved for the means by which a broader consensus is reached. If the arguments are presented to the public, using only limited forms of pornographic materials then the consensus is illusory and does not reflect informed decision-making.

One rather novel view has been proposed by VandenHaag (1980). He notes that because pornography tends to be a socially divisive issue, that the population polarizes in debate, then the suppression of pornography is justified as a means of enhancing social solidarity.

The general view regarding the potential for benefit or harm to society seem, for the most part, to reflect other stable belief systems. Political and religious beliefs would appear to have high predictive power in estimating a person's attitudes toward pornography. The themes advanced by those opposed to pornography tend to be consistent regardless of orientation.

Finally, it is possible to argue the pros and cons of the value of pornography for our society in a subjective sense while maintaining an objective stance in appraising the research data, as it accumulates. It is our impression that this view predominates among the various disciplines which will input into and subsequently decide upon changes in social policy and law. This is not so much a wait and see attitude as it is a clear recognition of the shift in focus of recent research (i.e., possibility of an increase in porno-violence and potential relationship to harm-doing) and the limitations of building an adequate knowledge base for rational decision-making.

Pornography and the Community

Since much of the discussion surrounding the issue of pornography relates to its impact on any particular community it would seem reasonable to explore the research available in this area.

One of the most vexing questions for the average Canadian is to what extent (if any) the apparent proliferation in the distribution of pornographic materials will impact on the community at large. Once again, with the exception of anecdotal and media accounts (citations in: Ridington, 1983), Canadian data in this area is lacking. There are however some indications from the U.S. experience that the focal point of research on this issue has been on neighbourhood deterioration.

In a study of factors affecting neighbourhood deterioration in St. Paul, Minnesota (1978) it was found that although alcohol-serving establishments were significantly associated with deterioration, sexually-oriented facilities were not. In addition, a threshold effect was observed for new adult entertainment establishments, i.e., rather than tracking relative deterioration, the effect of each new establishment was related to the number of such places already in the area. This effect obtained even when market and legal influences were controlled for in analyses.

With a caution regarding problems in generalizing from data collected in locations such as New York City to the Canadian experience, Shaughnessy and Trebbi (1980) report on the study of a neighbourhood adjacent to Times Square. A preliminary survey had indicated that community leaders considered pornography a problem of major significance (i.e., comparable to narcotics). A study of residents however revealed that although they shared the view that it was a problem, they also indicated a tolerance for adult entertainment provided that it did not constitute a nuisance to the neighbourhood (prostitutes and massage parlours were seen as most offensive by the respondents).

The authors note it is possible that the greater tolerance shown pornography came about as a result of some respondents' concerns regarding First Amendment protections. Although most respondents reflected conservative opinions regarding the content of pornographic films, it was also felt that intrusion constituting a nuisance to the neighbourhood accompanies the practises associated with the sex business.

In Canada, the report of the Standing Committee on Justice and Legal Affairs (1978) grappled with the problem of how a community could establish some standard in deciding what it wishes to tolerate vis a vis pornographic fare. McCormack (1983) has also undertaken an extensive review and analysis of the problems associated with this type of exercise.

The development of a 'tolerance level' is one method that has been used as an attempt to derive some estimate of a 'community standard' (e.g., Stephan and McMullin, 1982; Trigg and Reinhart, 1979). Bordner and Herrman (1979) argued that although there is some evidence of a moderate consensus in local community standards, that these vary widely between communities. Further, they note that empirical evidence collected to date negates the existence of a 'national standard' with regards to portrayal of sex in various media. Glassman (1978) reports that specific community standards become increasingly restricted in less populated, less urbanized areas of the country. Finally, Stephan and McMullin (1982) looking at survey data to compute tolerance ratios related to sexual attitudes found that although tolerance is strongly related to the size of the current city of residence the relationship was even stronger for the size of the city in which the respondent had lived as a teenager (16 years).

In sum, the suggestion from this type of research is that the sexual attitudes formed during the early socialization process appear to be strong determinants of subsequent tolerance for pornography but can be altered somewhat by the intrusiveness or nuisance level of the sex oriented business activities.

In addition, the exercise of developing a means by which a community can derive some standard to exert control over what it will allow remains interesting in

theory but exceedingly difficult to apply in practice. Most importantly, however, is that we know very little about the impact of pornography on communities, or less still about the specific variables which are important to people at that level and should be studied. It is difficult to understand the lack of research addressing this fundamental issue.

Problems of Control and Enforcement

When a society considers how it proposes to deal with pornography, the terms 'censorship' and obscenity' become common usage in the debate. Since we have dealt with this problem in preceeding sections by discussing the ways in which this can serve to further confuse the issues, it will continue to be avoided here. A review of the existing forms of control and associated problems in Canada is beyond the scope of this report but adequately summarized in other work. (e.g., Charbonneau, 1977; McCormack, 1980; 1983; Ridington, 1983; Third Report of the House of Commons Standing Committee on Justice and Legal Affairs, 1978)

Regardless of control measures adopted, a major problem for society is that the business of pornography, with its low overhead and high profit potential makes it an attractive enterprise. Charbonneau (1977) has documented this observation in his analysis of the role of unscrupulous businesses and organized crime in the Canadian context. The Standing Committee on Justice and Legal Affairs in a 1978 report indicated that although most pornographic material is imported into Canada in violation of law, that process and subsequent distribution is controlled by organized criminal networks which are also active in prostitution and narcotics. Nonetheless, documentation regarding the extent of the pornography business in Canada remains sparse (e.g., Welsh, 1980). With changing fashion in the availability of previously less easily accessible materials (e.g., through pay television or video cassettes) a profile of the business is rendered even more problematic to obtain. Putting the issue in perspective, (McCormack, 1983) notes:

"Studies have shown that pornography is not a multi-million dollar business but I have yet to find anyone who believes that pornographers are motivated by anything but the desire to get rich." (p. 214)

Data from other sources is also scattered and suffers from problems of comparison (e.g., method of estimation, data bases, definitions). In the U.S.A. estimates appearing in Lederer (1980) place the figure at \$4 Billion dollars annually in profit. More recently, Stock (1984) has indicated that the pornography industry generates \$7 Billion dollars a year in profits. Heinrich (1978) placed the figure, for the State of Texas at \$41.7 Million. In a slightly different context, McCarthy (1980) in looking at sales of pornographic magazines estimates that approximately 16 million copies per month are purchased. The Williams Report (1978) indicated a dramatic increase in the sale of pornography in Britain in the 1970's.

In sum, regardless of the size of the business or the motivation of its participants, it is reasonable to conclude that we are dealing with a reasonably well entrenched and complex market structure. As such, any measures contemplated must consider both the resistance and ingenuity for developing alternatives which change in the status quo will inevitably produce. In the United States for example, attempts to control pornography distribution (and other commercial sex establishments) through land zoning ordinances to specialized police vice squads have proved both costly and ineffective (Noble, 1979; Strom, 1977). The problems associated with the 'combat zone' in Boston to the special vice squads of major urban areas (e.g., Times Square in New York City) are a consistent theme in literature on enforcement.

In spite of the type of regulation or legislation enacted to control the display and/or accessibility of pornography, the major problem has been one of enforcement. As the burden for this falls on the police, the problems created for them become most complex. Heath (1978) has provided an overview of problems encountered by police administration in attempting to enforce laws pertaining to pornography. For the most part, the problems associated with policing are reflected in three areas:

1. The pressure brought to bear on police from groups which differ vastly in their tolerance of pornography;
2. The potential for police corruption in enforcing laws at the street level; and
3. Issues related to the potential for violation of civil liberties.

Chamblis (1978) has argued that law enforcers are generally tolerant of vice operations such as the distribution of pornography. He suggests that this is because there is no unified support for laws and regulations and that the police have considerable discretion in enforcement. Hewitt (1977) in reviewing the difficulties of policing pornography not only confirms the potential for police corruption, but suggests that most measures which have been implemented to date in the U.S. have simply wasted millions of tax dollars where greater savings would have been realized by increased regulation of the production component of the pornography industry.

In conclusion, discussion of the impact of pornography on society should also be considered in the context of what we know about the extent of the structure which supports its distribution and the problems associated with contemporary or proposed measures of control and enforcement.

Pornography and Sex Crimes

Does an increase in availability of pornography in a society lead to a corresponding increase in sex crimes? The question, posed in this context, has occupied the attention of most investigative bodies considering changes in law and social policy regarding pornography. Research conducted to specifically address this larger question has, of necessity, been correlational in nature. Basically, correlational research must rephrase the question in statistical terms when turning to any data base in search of support for hypotheses.

Do 'x' and 'y' vary together, and if they do, in what direction, and with what magnitude - is the most simple statement of this approach. In spite of recent advances in techniques of design, method and analyses of correlational data, many of the fundamental limitations of this type of research remain and are recognized by researchers (e.g., Blalock, 1972; Court, 1984; Pearl, Bouthilist & Lazar, 1984). It is beyond the scope of this report to review the complex controversy related to correlational research in general. In order to present some of the contentions of

researchers in this area however, it is necessary to identify two major areas which remain, to the best of our knowledge, unchallenged in the debate.

First, regardless of the elegance of technique, the inference that 'x' caused 'y' to vary (or not) must be limited to the persuasiveness of argument rather than some determination of absolute certainty.

Second, since error or artifact can and does influence correlational research at every stage of the procedure, the researcher must rely on the persuasiveness of argument in conducting and reporting of the study. This must be the case in major procedures such as: formulating hypotheses; selection of data bases; interpretation of outcomes; and, drawing conclusions.

This represents a simplified version of what must be kept in mind when discussing the findings of research at this level.

In a statement which would have a profound impact on subsequent writings in this field, the U.S. President's Commission on Obscenity and Pornography concluded:

"Extensive empirical observation both by the Commission and by others provides no evidence that exposure to or use of explicitly sexual material plays a significant role in the causation of social or individual harms such as crime, delinquency, sexual or non-sexual deviancy or severe emotional disturbances." (p. 58)

The criticisms which were issued in response to the findings of the Commission comprise a voluminous body of work (See critique and review in: Cline, 1970; 1974; 1976; Court, 1980; 1984; Cochrane, 1978; Ingstrup, 1979). Much of the controversy, centred on the apparent limitations of the research used by the Commission in reaching its conclusion. Cline (1970) criticized, among other things, the paucity of research dealing with pornography which contained depictions of violence. For the present purpose, the force of much debate focussed on the use of interpretation of correlation data, particularly the studies of the Danish experience in

liberalizing the control and regulation of pornography (e.g., Court, 1980; Gonzales & Llanos, 1976; Kutchinsky, 1973).

Nonetheless, almost a decade later, the Committee on Obscenity and Film Censorship released a report in 1979 in the U.K. (known as the Williams Report) which reached similar conclusions to its U.S. counterpart, viz., that there did not appear to be any strong evidence that pornography, or in their terms, sexually explicit materials, caused anti-social sexual behaviour.

Once again the debate which ensued tended to focus upon the same criticisms which had followed the U.S. report (See reviews in: Court, 1980; 1984; and Cochrane, 1978). The debate continues unabated, and in fact, critics of the conclusions have been given impetus by work appearing on two fronts: analyses of data bases collected by a society and laboratory based research using controlled experiments. In this section the first of these will be considered as they are meant to refer to broader trends reflected in the records a society collects and reports.

Court (1980; 1984) has provided an extensive critique of the specific studies which formed the basis of the advisory groups conclusions. This critique, when coupled with the findings being reported from laboratory studies which purport to establish a link between exposure to pornographic materials producing anti-social 'effects', led Court to propose a 'ripple effect' in formulating hypotheses. Specifically:

"There remains the more problematic question whether those effects observed in laboratory and clinical studies have implications for the wider society. It requires the observation of trends in behavioral indices of some kind, together with changes related to social reforms (Campbell, 1969. 1979) if one is to observe the effects of exposure to porno-violence in the wider context. Such effects are unlikely to be directly linked to specific stimuli as in controlled experiments. Instead they represent a ripple effect coming from the impact of exposure to certain types of materials on behaviour. That is, while laboratory studies can identify direct linkages between exposure and behaviour/attitudes, studies of social trends identify more general influences on those same people and on others with whom they come in contact. (Court, 1984, pps. 4,5)

In order to apply this in appropriate analysis, Court has developed an elaborate argument to justify distinguishing between categories of sex crime to serve as data bases for testing hypotheses. For example:

"Hence evidence regarding a rise or fall in sex crime data is too crude to relate to the availability of porno-violence. It is necessary to consider offences such as rape and attempted rape as appropriate dependent variables, while exhibitionism and peeping reports would be irrelevant to the case." (Court, 1984, p. 11)

It should be noted that the use of the terms 'independent and dependent variables' in the context of correlational research is highly controversial in social science. For the present it is only necessary to point out that the technical use of these terms in controlled experimental design are used when causality is implied, i.e., variations in 'x' (the independent variable), all other things being equal, are said with some degree of probability to cause the effects observed on 'y' (the dependent variable). In brief, the direction of the relationship is implied by the terminology in usage. Court has marshalled data from various parts of the world to test the working hypothesis of a 'ripple effect' based on the earlier Danish evidence of a negative association, i.e., increased availability pornography is correlated with a reduction in sex crimes.

The difference however, is that the hypotheses are tested using a more limited definition of sex crime; specifically rape and/or attempted rape. Looking at data bases from such disparate societies as: the U.S.A., U.K., Sweden, Denmark, Australia, New Zealand, Japan or South Africa; or, from more specific regions such as Hawaii, Alaska and areas of Australia; he concludes:

"A series of propositions is advanced here providing support for positive and negative cases, and for reversals. In a tight experimental design context such arguments would be sufficient to conclude that a causal relationship exists. However, the data reported here are naturalistic and based on information with many uncertainties. That rape reports are increasing in places where pornography is also increasing is not a matter for serious doubt, but attention has been drawn to factors which make precise measurement and interpretation impossible." (Court, 1984; p. 38)

In spite of the repeated limitations Court notes in his own assumptions, analyses and conclusions, he then proceeds to suggest that:

"...it is safer to assert a multi-factorial situation in which pornography is playing a significant part."
(Court, 1984, pps. 38,39)

and that:

"...a strong case can be made for the restraint of porno-violence in contemporary society."
(Court, 1984, p. 41)

Although Court's work is widely cited as providing 'evidence' that pornography causes rape, the critics of his assumptions, analyses and conclusions have rarely received comparable attention. Cochrane (1978) for example, has provided a detailed critique of every aspect of this work and concluded that the work is so flawed in theory and application that claims of support drawn from it or generalization to actual behaviour in society would comprise erroneous information. Court (1984) has responded with further detailed rebuttal, and the controversy continues. Baron and Straus : (1984), for example, have stated the problems of correlational research, in a recent review:

"Does the finding that rape increases in direct proportion to the readership of sex magazines mean that exposure to this type of pornography induces men to rape? This is a plausible interpretation. However, it must be remembered that, despite the controls for confounding variables, the evidence presented shows only that there is a strong association between sex magazine readership and rape, not that one causes the other. Even more caution is required because there are a number of other plausible interpretations of what underlies the tendency for rape to be highest in states with the highest readership of sex magazines."(In Malamuth & Donnerstein, 1984)

In sum, the correlational research seeking associations between the availability of pornography in a society and the level of sex crime reflected in crime statistics has been characterized by contradictory findings, debate regarding the internal and external validity of the studies, and the inherent limitations of this type of research. Since

there is a wide disparity in the reports from using a variety of data bases of numerous countries, and in the absence of data directly examining the Canadian situation, then any simple generalization from the existing research must be treated with extreme caution. As Baron & Straus (1984) have succinctly stated:

"...as noted in the discussion of the pornography rape correlations, all the correlations presented so far could be spurious." (In Malamuth & Donnerstein, 1984)

2. Participants

What do we know about the impact of pornography on those who participate in its production, distribution and marketing? The answer may be surprising, but succinct: very little at all.

The paucity of any systematically collected information which would enable us to draw even the most basic profile of those persons or groups which support and direct each stage of the process should constitute an area of real concern for future investigators. We have commented earlier on the lack of data regarding the business side of pornography, and in view of the few estimates available which suggest the extent of the network it is puzzling as to why this gap in our knowledge base is so persistent. The studies of the role of organized crime, for example, in almost every other form of illegal activity has been extensively studied (e.g., gambling, narcotics, prostitution, etc.). Yet to the extent that this particular sector is involved in the pornography business has, for the most part, merited only a sub-heading or footnote in the literature. (For a noted exception see: Pennsylvania Crime Commission, 1980). In reports prepared by and for the law enforcement community, the information is consistently sparse, often anecdotal, and perhaps for reasons of ensuring protection sources are rarely documented.

Lacking sufficient information to support any attempt to describe the participants involved in controlling the commercial side of pornography, we turn then to examine what little data is available regarding the effects on those who participate in the portrayals which comprise pornographic materials.

Adults

Although a number of retrospective, anecdotal and (auto)-biographical accounts of individual participants have appeared in various popular media during the past decade, it is not entirely clear as to the generalizability of this qualitative material to the experience of other participants. That such accounts include descriptions of coercion and violence in the pornography industry is both clear, shocking and persuasive in their authenticity. We are still left with the problem of an absence of systematically collected data which could be considered representative of the complete process. The situation is more complicated when we find that the pornographers have co-opted the theme of 'participation' in production' in their own pornography. Some pornography, for example, dons the disguise of an exposé in order to circumvent restrictions placed on its distribution.

Even though our search procedures allowed for the targeting of clinical literature, which could provide examples of harmful effects to those engaged in the production of pornography we were only able to identify one study reported dealing specifically with effects on adults. Stoller (1979) provides a single clinical case history of a female referred because of her involvement in making soft-core pornography. The client described herself as an erotic product manufactured by a team of specialists solely for the pleasure of male viewers. As a product she claimed no other material existence and reported a total disassociation from her own body.

It is possible of course that other reports escaped our identification procedure because they were embedded in case material in which participation in pornography was only one of a complex set of issues. Our interest in obtaining reports which are evaluated and weighed by trained observers or clinicians in no way detracts from the horrors described in first person accounts or journalistic narratives. These 'realities' are not in dispute, we only seek to understand more fully their representativeness and the variables which would aid in promoting generalizability to other situations.

Children

More information was available related to the impact of participation in production of pornography on children. Perhaps due to difficulties associated with maintaining confidentiality, much of what is available is often obscure and presented in either deliberately disguised anecdotes or estimates, the basis for which are not revealed. The problem of disentangling 'effects' is further compounded by the fact that most children who have had experience in what is typically referred to as 'kiddie porn' appear to have also been involved in the business of child prostitution. Much of the literature appears under the broader rubric of 'sexual exploitation of children' when presenting documentation. It is somewhat curious to find that the building of this specific literature, primarily through legislative and other investigative agencies, does not appear to become prominent until 1977 (Koestler, 1977).

Since Canadian data is again lacking, it is necessary to turn to the U.S. to find some indication of the extent of this particular aspect of the pornography business. Denson, Gerber and Hutchinson, (1978) claim, as of 1978 at least 264 different magazines which are produced and available for sale at adult bookstores deal with sexual acts between children, or between children and adults. No figures are available for subscriptions or sales of these magazines. Koestler (1977) observes that increased involvement of teenagers (usually runaways) in pornography did not appear to a significant degree until the mid 1970's.

We do have some information about the profile of the majority of children recruited into involvement in pornography in the U.S. (McKinnon, 1979). The majority are boys from 9 - 14, from broken homes or runaways, and, would be considered neglected children by most social agencies. Koestler (1977) estimates runaways at between $\frac{1}{2}$ to 1 million annually. Although this type of profile is meant to represent the average child involved in such activities, Anson (1980) tells us that children as young as three years old have appeared in pornographic films which depict sexual relations with adults.

Although some popular media have indicated the involvement of children even younger than this, we were unable to locate any documentation to that effect, although law enforcement agencies repeatedly report that such evidence has been discovered, with disturbing regularity (Bahlman and Thomas, 1979).

How do children become involved? Some, it appears, are lured by what McKinnon (1979) refers to as "Chicken Pimps". Typically these are white males aged between 30 - 40 years of age, married, with good jobs. The approach is usually characterized by promises of friendship, money or drugs, or on occasion, the child is simply abducted. Ritter (1979) notes that unemployability of many adolescents facilitates their victimization. A number of studies document the involvement of parents in the sexual exploitation of their own children. This involvement ranges from producing pornography with their own children as participants to acting as agents for them operating on fee for services basis (Anson, 1979; Bahlman and Thomas, 1979; Baker, 1978; Heinrich, 1978; Report to the Illinois General Assembly, 1980; Luria, 1982; McKinnon, 1979). In addition, Gaiser (1979) has argued that offences involving children in pornography are difficult to prevent since 3/4 of all sexual offences against kids are committed by adults whom the child knows and trusts.

The apparent attraction of this particular part of the pornographic industry is said to be related to the exceedingly high profit margin in a growth industry with low overhead (Anson, 1980). Although exact figures are unavailable Ritter, (1979) has noted that the child sex industry located in the Times Square area of New York City was estimated to be in excess of 1.5 million dollars yearly. Anson (1980) focusing on the Los Angeles, California production, estimates profits in excess of \$10 million dollars yearly.

McKinnon (1979) in observations drawn from the Detroit Police Sex Crime Unit reports that child pornography products are marketed through a sub-culture of small dealers with a ready clientel. It is interesting to note that a 3 year

study dealing with the sexual exploitation of children conducted in Illinois found that although organized crime was not involved in child prostitution it was involved in the distribution of child pornography (1980). When federal legislation was introduced in 1977 to deal with this specific problem the involvement of organized crime in these activities appeared to terminate with considerable rapidity.

Luria (1982) reports a case history of two sisters who grew up in a family which was completely involved in the pornography business. The only apparent effects noted as a result of this involvement was that one sister had integrated pornographic imagery into her sexual life for a period of time, whereas the other sister has not. Schottle (1980) presents a clinical case report of a 12 year old girl who had been involved in a pornography ring for 2½ years, necessitating extensive psychological treatment. As can readily be seen, it is impossible to draw any conclusions from such accounts.

Although U.S. federal and state legislative bodies have shown a continuing interest in the problems of children involved in the production of pornography, a transcript rarely contains anything but anecdotal testimony, e.g., police, parents, ministers, social workers, and on occasion, a participant or producer. Expert testimony on the other hand tends to focus on legal and constitutional issues.

Schultz (1980) in presenting an anthology on child sexual abuse devotes a section to the recruitment and use of minors in pornographic film-making and refers to this as the child sex industry. Schultz also notes that there is clear evidence that the murder of children involved in this industry was related to their participation (e.g., to prevent revealing of names etc.).

The Texas Legislative House Select Committee on Child pornography (1978) reports that child pornography distributed in Texas and elsewhere often features children forced into sexual acts and that these are often homosexual.

Heinrich (1978) examining the Texas situation claims that children's psychological trauma is of a serious nature in 93% of all reported cases. In Texas, although child pornography is no longer available over-the-counter, mail order business is profitable. Of particular interest is their claim that most child pornography is produced by foreign countries (unspecified). They also claim that 80% of distribution is controlled by organized crime.

Finally, most authors agree that the single greatest obstacle to more effective prevention is the public's attitude toward secrecy when dealing with sexual exploitation of children (Gaiser, 1979). As May (1978) points out, greater harm can accrue to the child from inappropriate responses on the part of adults that provoke feelings of shame and guilt after involvement. This includes the tendency to fear reporting such incidents even when reporting systems ensure confidentiality or anonymity.

Without exception, authors and advisory bodies also agree with the Standing Committee on Justice and Legal Affairs (1978) that the involvement of minors in pornography is exploitative, reprehensible and clearly unacceptable in our society.

Taking note of this, McCormack has also issued a caution which derives from her analysis of this situation:

"...it is a criminal offense in our society because of our conception of childhood, our overriding belief that the dependency of children should not be exploited for the benefit of pleasure of adults. So long as this remains one of our values, we will continue to have the state in the bedrooms, washroom, parks, and automobiles of the nation." (McCormack, 1983, p. 215)

3. Consumers

Before undertaking a discussion of the impact of pornography on consumers, it is reasonable to ask the question: What precisely constitutes a consumer?

As noted in our previous discussion, much of the current laboratory research reflects a high degree of complexity and both researchers and those citing research in support of arguments have tended to make sweeping generalizations from limited samples to populations. In other words, findings from laboratory based research is seen by some writers as applying to a broader group of actual or potential users of pornography. A fundamental question should preface any such exercise: Who is this audience? It is not unreasonable for example, to suggest that if pornography (of whatever type) was widely available that there are persons who would not be interested in either purchasing or viewing it.

In a field replete with surprises, it is still possible to register astonishment that the most basic unit of study, i.e., the consumer, has been neither adequately defined nor studied. Are we speaking, for example, about someone who purchases pornography? Does a person qualify as a consumer if they make a single or an occasional purchase? Or, must they be consistent buyers over the long term? Are we referring to the heavy user? Is the definition so broad as to include anyone who views pornography (other than the original purchaser)? Do we expand this term to include those who are exposed to pornography through participation in some event? If that were so, it would have to include everything from exposure to pornographic fare, as part of an audience (e.g., film festivals, local theatres, video cassettes at a friend's house) through to displays of commercial outlets which may sell a variety of other items, or even through participation in experiments conducted in colleges and universities. These people have after all, by definition, 'consumed' pornography. To demonstrate the absurdity and the confusion surrounding the problem of definition, we would have to classify university professors and graduate students conducting experiments in this area as among the heaviest consumers. Furthermore, without data which adequately describes general consumer patterns, we would have to turn to a source of documented actual consumption and conclude that students, particularly in pornography experiments, seem to comprise the largest single group clearly exposed to pornography.

This particular problem has plagued our attempts at classification of this literature. It remains a central question in dealing with the available research for two reasons: First, interpreters of the research wish to generalize with respect to all Canadians as if they were actual or potential consumers. Although theoretically, everyone is a potential consumer, reason dictates that not all Canadians are actual consumers of pornography. Second, should we consider all laboratory studies which have exposed subjects to pornography under this category? In this regard, we eventually adopted a compromise solution. While we will refer to some of this work as it pertains to general information about the impact of pornography, we will at the same time reserve a portion of it to be dealt with in a subsequent section. The rationale for this is that because of the limitations of experimental studies, a constructive critique must include a discussion of the main difficulties associated with this approach.

In view of the above, we can, for the time being, turn to the literature in order to ascertain what it seems to be discussing within the context of consumers.

Consumer Profile

"If pornographic images of women are often derogatory, and validate anger, the images of consumers of pornography are often equally so. The consumers are portrayed as tragic figures involved in the exploitation of male sexual desires by female workers in the pornography industry who seek avenues for economic upward mobility. This exploitation is degrading both to the seller and the buyer, as are many other forms of commercial enterprise when the business ethic takes precedence over all else." (Gray, 1982, p. 394)

Gray is obviously referring here to one type of portrayal which appears with some consistency in the writings in this area. The central notion of a consumer as some type of tragic figure, usually male, who needs pornographic fare to supplement some defect in personality or to serve as a substitute for a 'normal' socially acceptable lifestyle, finds widespread acceptance. The image of social 'misfit', inadequate in every respect, as a heavy user, is a familiar stereotype.

At the extreme, it is relatively easy to conjure up a picture of a disordered personality seeking out pornographic materials in order to satisfy some primitive, atavistic set or urges or desires.

In contrast, Gray (1982) in reviewing the literature regarding consumers indicates that a statistical profile reveals that they are for the most part young, married men, generally middle income groups, middle class, with a college education, are high consumers of mass media in general and manifest a tendency to reflect a liberal orientation towards social and political issues.

Gray also notes, citing pre-1975 data:

"About a quarter of all men have been exposed to sado-masochistic materials. Men use pornography most often as a means of enhancing the responsiveness and enjoyment of sexual intercourse with a stable partner. Younger consumers without a stable partner use pornography to masturbate..." (Gray, 1982, p. 388).

Lindquist and Cave (1979) studied patrons of an adult bookstore. In developing their profile they compared patrons to residents of the metropolitan area in which the store was located. They found that purchasers of adult material tended to have a higher level of education, have a higher median income and occupy higher status positions than local residents.

Klenow and Krane (1977) used a (U.S.) national survey to develop a descriptive profile of the x-rated movie attender. They found that 25.1% of respondents said they had attended x-rated films during the preceding year. 21% said they had previously attended or would return to see another film in this category. To profile this particular group, the average recidivist was found to be young, single, male, with a minimum of high school education and not likely to identify with a particular religious group, and was seldom, if ever, in attendance at church services. They were also more likely to be found in urban areas in both

the eastern and western regions of the U.S. Klenow and Krane also note that the characteristics of x-rated movie audiences appear to closely approximate those found in anti-censorship groups and among heavier users of erotic materials. Lewittes and Simons (1975) have shown that characteristics of purchasers of pornographic materials tend to reflect behaviour consistent with the prediction that they are experiencing some guilt or shame during the act of buying. In conducting an unobtrusive study of college males purchasing pornographic magazines, they found that compared to buyers of other magazines, these students were more likely to request some covering for their purchase (e.g., a bag) and were also prone to purchase other merchandise as a face-saving gesture. From what little and dated information is available it appears that the purchase of pornography by women, has been negligible.

Burt (1976) has argued that the apparent lack of interest of women as consumers of pornography is easily explained by social factors associated with socialization and sex roles. Although we do not have much information about consumer patterns, it is still reasonable to suggest that the stereotype of the tragic figure must be seriously questioned and can only be resolved by further research in this area.

To put things in perspective, we will take the liberty of paraphrasing the observation of a reader of an earlier version of this manuscript: "There appears to be more people protesting against pornography than watching it." This underlines the fact that numbers which can be tabulated (e.g., protestors, researchers, experimental subjects) constitute the only stable data base which we now have on the consuming part of the population.

Impacts: General Findings

(a) Adults

As McCormack (1978) has indicated a substantial proportion of the research conducted prior to the findings of the U.S. President's Commission (1970)

was undertaken with male subjects (and by male experimenters). In keeping with other critics of this earlier research, they indicated that the basis for the conclusions of the Commission did not reflect an adequate knowledge base respecting the impact of pornography on females. With the exception of research pertaining to the relationship between pornographic violence and anti-social 'effects' which tends to concentrate on male subjects, there has been a partial redress of this imbalance. It should be indicated that these studies have been conducted almost exclusively with college students as subjects and in laboratory settings. Before turning to this work, a brief overview of research assessing general impacts of pornography on males will be presented.

The few studies that have appeared in the more recent literature which have used male subjects (and not directed at porno-violence) have tended to confirm and extend pre-1975 findings. Brown (1976) for example found that although most males found pornographic stimuli moderately arousing, others in their study reported negative reactions. In terms of impact on subsequent behaviour, viewing pornography had only an immediate and mild transient effect on established sexual patterns (up to one day). Miller, et al (1980) report that after exposure to pornographic stimuli males reported more disgust with the material when rating disgust first than when they rated their level of sexual arousal first.

Much of the recent work using exclusively males has been directed towards determining responses to pornographic stimuli which contains homosexual themes. The consistent finding in this area is that heterosexual males viewing male homosexual behaviour report high levels of disgust, depression, guilt and shame. (Mosher & Abramson, 1977).

Nevid (1983) confirms this type of finding demonstrating that males, following exposure to male homosexual stimuli, increase their anti-homosexual attitudes over a pre-study level. It also appears that subjects report higher levels of negative affect after viewing explicit male or female homosexual stimuli. In other words, the general theme seems to be that homo-erotic stimuli tends to turn off heterosexual viewers. In contrast,

Nyberg & Alston (1977) find that when male subjects were rating male and female homosexual behaviour, they saw the female behaviour as more erotic. The work of Mosher & O'Grady (1979) has replicated and extended Mosher's earlier work on a concept of sex guilt (SG) and they have developed a homosexual threat inventory which was found to predict both orientation and reaction to homo-erotic themes. Turnbull & Brown (1977) have also developed a scale of opposition to homosexuality. They note that since male and female attitudes in this area seem to be correlated, a single scale serves the purpose for both sexes. (Other findings using both male and female subjects tend to confirm previous research in which females tend to rate pornography more negatively than did males with the exception of males' ratings of male homosexual themes).

When looking at the relationship between female subjects exposed to pornography and subsequent sexual arousal, we find some interesting contradictions. For the most part, the discrepancy found in the studies conducted with females tended to be reflected in differences between self-reported measures of arousal and physiological measures (e.g., vaginal photoplethysmograph: Geer, 1974).

Osborn & Pollock (1977) found that female sexual arousal increased when presented with sex related stories which were classified as erotically realistic or hard-core pornography. The increases were significantly greater for the hard-core on subjective reports of arousal but produced differential responses on two types of physiological measures i.e., one increased, the other produced no difference.

Griffitt & Kaiser (1978) confirmed previous findings that females make fewer erotica producing choices in experimental situations than do male subjects. They also note that females rate their affective reactions on self-report measures, as more negative than males. Although comparisons between studies are difficult because we are dealing with relative values, Henson et al in a series of studies, report that both subjective and objective measures of arousal increase for females exposed to erotic stimuli (1977; 1978; 1982).

In sum, the finding that females show increases in both subjective and physiological measures of sexual arousal to pornographic stimuli appears to be relatively well established in the literature. (e.g., Schreiner - Engel et al, 1981) In other words, although females may tend to report more negative effects or prefer other types of stimuli when given the choice, they are nonetheless aroused when exposed to pornographic material. Inconsistencies are most apparent in differential responsivity on different types of measurement techniques.

In comparing female and male responses to pornographic stimuli some interesting differences and similarities emerge. Jones & Joe (1980) have shown gender differences in the rating of pornographic stimuli. For example, although males tend to rate pornography more favourably than females, after actually viewing the stimuli males tend to change their ratings in favour of non-pornographic stimuli as more desirable whereas females remain consistent. Kendrick, et al (1980) showed that females were less likely than males to volunteer for research studies which involved erotic stimuli regardless of whether it was soft or hard-core pornography. Further, when given the choice between soft and hard-core pornography, females are less likely to select the hard-core film. It might be interesting to replicate this type of research where the subject is guaranteed anonymity respecting the choice of either soft or hard-core pornography or between pornography and some alternative materials. This would require some form of unobtrusive measure in order to tabulate frequency of choice by gender without identifying individual subjects.

Other differences have been indicated by Brown (1979). He found that as the level of pornographic stimuli increased, the viewing time of males initially increased but then decreased. In contrast, females showed a gradual increase in viewing time with no subsequent decrease. Although there were no significant sex difference in rating of pornography, generally females rated all but male themes as less arousing than did their male counterparts.

Stauffer & Frost (1976) found that reactions of men and women to magazines differed in that males gave higher ratings to sexually oriented products whereas there were no gender differences in rating of a control group of non-sex oriented magazines.

Veitch & Griffitt (1980) found that although both sexes are similar in degree of response to erotic stimuli, they differed in their tendency to estimate the responses of others. Males were found to estimate the response of others, of either sex, on the basis of their own response. In contrast, females generally estimated that the responses of others (especially males) are more intense than their own.

Common wisdom often suggests that females tend to respond more favourably to sexually explicit materials which reflect themes of love and romance in contrast to males who are said to prefer themes of lust and carnality.

Fisher & Byrne (1978) found that males and females did not differ in their responsivity to love or lust themes and in addition, not only replicated this finding but also found that both sexes were more aroused by themes portraying casual sex in contrast to themes of love or lust. The importance of this finding for these researchers was the determination that romantic or affectional emphasis did not appear to be a precondition for female arousal by erotic stimuli. By implication this questions the oft-cited female indifference to erotic material (See also: Heiman 1977; Kebler & Schwickerath, 1981).

The overall trend of findings in this type of research can be summarized by citing the work of Schmidt (1975) in which a series of five studies reflecting a total sample of more than 1,000 male and female subjects led to the conclusion that the pattern and intensity of reactions to sexually explicit stimuli is basically the same for males and females. When differences emerge they represent only minor shifts in the total pattern. Schmidt also notes that the magnitude and direction of female responsivity appears to be converging with male patterns over time. This is said to be true for affectionate and non-affectionate, aggressive and non-aggressive stimuli (See also: Hatfield, 1978; Herrell, 1975; Mann et al, 1974).

Finally, the basic theme considered here suggests that exposure to pornography, whether considered disgusting or titillating at the time, tends to produce only transient sexual arousal with very little evidence that it carries over into established sexual patterns.

McCormack (1984) has reached a similar conclusion:

"These findings are consistent with our knowledge of theories of socialization. Sex practices, like other social practices, become habitual, routinized, and however boring, conventional. Like other social habits, we do not alter or break this habit without some major incentive or some serious disruption of our lives." (p. 14)

It is from this type of perspective that general findings regarding the impacts of pornography on adults must be judged. Before turning to the consideration of laboratory research which has focussed upon the link between sex and aggression, mention must be made of some general, ancillary findings with adults and note taken of what we know or more precisely, what we don't know about the impact this type of material has upon children.

Ancillary Variables: Mediating of Confounding?

Some investigators have addressed the question of whether alcohol consumption tends to facilitate or inhibit sexual responsivity. Briddell et al, (1978) has shown that alcohol does not significantly affect levels of arousal. As with most studies in this area, placebo groups are used (i.e., the subjects believe they have consumed alcohol but in reality do not). Of particular interest in the Briddell, et al studies, is that subjects exhibit higher levels of sexual arousal to pornographic stimuli (including violent themes) in both alcohol consumption and placebo conditions. In other words, subjects report higher levels of arousal if they are given an alcohol-related set of conditions. This finding has been confirmed by several investigators

(e.g., Lang et al, 1980; Lanske & Wilson, 1981). In contrast the findings regarding the effects of alcohol on arousal of women provides mixed results. Females tend to report higher levels of sexual arousal on subjective measures as their perceived level of intoxication increases but physiological measures tend to decrease (Wilson & Lawson, 1976; 1978).

Some studies have attempted to determine the relationship of exposure to erotic materials, sexual arousal and other behaviours or attitudes.

We have been dealing with the most basic unit of laboratory study where the experimenter attempts to control for extraneous or confounding variables in order to state with a higher degree of probability that it is the stimuli presented to the subject (the independent variable) which produces the observed effect (the dependent variable). As indicated in a preceding section a myriad of content and contextual variables have been identified which can either serve to confound the cause-effect relationship by producing an alternative (perhaps unknown) source of systematic bias or mediate between the stimulus and response in systematic ways (c.f., pornographic materials). Even measures of the dependent variable which are employed to ascertain changes in the subject's response level when exposed to specific stimuli have proved troublesome.

Barlow, et al (1983) for example have shown that the threat of shock can also produce increases on measures designed to determine levels of sexual arousal. In that study both an erotic film and shock threat increased measures of penile volume, and, when the threat was contingent on size it produced more sexual arousal than in a non-contingent condition. One question raised by this finding is to what degree is fantasy employed by subjects to mediate volitional control over their own level of arousal, which leads to the broader issue of the reliability of these types of measures in laboratory studies (e.g., Gray, 1982). As Amoroso & Brown (1973) established, subjects attached to monitoring devices (e.g., plethysmographs) rate erotic materials as more arousing and pornographic than subjects who are not monitored directly. Farkas. et al (1979) found that

simply distracting subjects resulted in reduced levels of physiological arousal but did not influence subjective reports of arousal and that the degree of stimulus explicitness produced similar effects.

The finding that fantasy (among other things, e.g., level of sex guilt) mediates between stimulus exposure and responsivity in highly complex ways has been confirmed by numerous investigators. Further, Human and Hatch, (1980) were led to conclude that the inconsistencies noted between measures of self-report and measures of physiological arousal are of such a magnitude that self-reports cannot be considered reliable across complex interactions. Coupled with the observations by Barlow, et al (1983) it is not unreasonable to conclude that both types of measures i.e., self-report and direct physiological measures, must be cautiously interpreted because of the inconsistencies across situations. (See also: Geer, 1974; Korff & Geer, 1983). As can be seen, this imposes severe limitations on the contrast and comparison process so essential to building a stable knowledge base. It also leads us to restate our plea for more systematic research at the fundamental level of laboratory work before reaching into highly complex paradigms to test hypotheses in such settings.

(b) Children

One of the most frequently voiced concerns expressed in the debate on pornography relates to the control of access to pornographic materials by children. Common sense would dictate that the adult must make some decision about the type of material to which our children are exposed during their formative years. At the present time, we have very little information as to what effect, if any, exposure to sexually explicit materials has on children of any age.

Anecdotally, during the course of the preparation of this manuscript, we conducted a non-scientific, non-systematic survey of a number of parents with pre-pubescent children and found that there was unanimity in expressing

the view from observations of their own children, that pre-pubescent children were either not interested in viewing sexually implicit or explicit material (e.g., television, magazines) or would actively disregard it in favour of some alternative. Since this represents the mildest form of erotica, we are unable to speculate as to response to more extreme forms. At the same time, we were told that children exposed to almost any medium appear to respond to portrayals of action and would more likely exhibit symptoms of boredom towards scenes containing either sexual encounters or extensive conversation. McCormack (1984) provides more precise confirmation of this observation and extends it to the period of adolescence:

"Studies of how and when people encounter pornography and become consumers of it indicate that most people discover pornography during childhood and in their own homes or through primary groups. Schoolyards, camps, the bedrooms of older siblings--these are the places that young children see the magazines, pictures and other print media. But although the prepubescent boy or girl is aware of pornography they are not generally interested in it except as something teenagers like and collect in a clandestine way. ...For obvious reasons adolescents are more consciously interested in pornography, more motivated to acquire and share it with their friends. Depending on their sex education they may find it more or less instructive although their conversations with each other or the accounts given to them by others of personal experiences may function as a better source of 'how-to' information and serve to demystify sexual intercourse. The evidence indicates that the most common sexual result of exposure to pornography for teenage boys is masturbation. Only later do they replace the 'centre-fold' female with a real one and masturbation with sexual intercourse. The point here is that there is a developmental process in the uses of pornography which is related to stages of sexual maturation." (pps. 15-16)

Extensive research that has taken place during the last decade relating to the effects of early television viewing habits and subsequent behaviour has, for the most part, been confined to the issue of aggression.

(See reviews in: Huesmann, Lagerspetz & Eron, 1983). This recent decade of systematic research was prompted to a large extent by the work of Eron, Huesmann and their colleagues (e.g., Eron et al, 1972). This work led to a considerable revision in contemporary thinking regarding the impact of viewing television violence on children and aggressive behaviour manifested in later years. There is no established parallel literature regarding exposure to sexual explicitness. Perhaps as a result of the problems such a program of research would encompass (e.g., deliberate exposure of children to pornographic material for research purposes) our current knowledge base can be summarized succinctly: We know virtually nothing at all about viewing habits or effects on children of exposure to pornography.

With the advent of pay television, video cassettes and more explicit scenes appearing in standard fare movies and television, it is only reasonable to assume that some children now have access to, at the very least, mild forms of sexually explicit materials not previously available. Obviously, it is going to test the ingenuity of future researchers in order to provide data presently lacking in this area. The type of research conducted in the systematic work on television violence can serve as one model for developing a partial knowledge base. Another avenue has been suggested by McCormack (1984) who notes that it is possible to extrapolate from the more established field of developmental psychology and what we do know about the socialization process. In this analysis she notes that whether pornography does any harm to the adolescent boy or girl depends primarily on factors such as prior sex education, sex roles and the availability of alternative imagery of sexual performance. With regard to viewing pornography:

"As children develop, their critical skills are more developed and they are more aware of the difference between fantasy and reality, between themselves and what the TV people are trying to do to them. Thus the long term process is not reinforcement of childhood experience with television images. Rather it is toward greater detachment. (McCormack, 1984, pps. 40-41)

However, this may not be as simple a proposition as it would appear at first glance. As Calderone (1974) has pointed out, a child's later capacity for erotic response and sex object choice is determined from the very earliest days. From infancy, erotic feelings, thoughts, fantasies and responses occur. Calderone emphasizes that parental attitudes about gender identity and role behaviour are major determinants in the process of sex education from birth to five years. Another possible direction researchers could follow would be with teenagers in the use of anonymous survey questionnaires to elicit information that the respondents would otherwise be reluctant to report (e.g., regarding alcohol, drugs, vandalism, sexual habits, etc.).

In one of the few published works in this area, Elias (1978) reports on a series of studies conducted at the Institute for Sex Research at Indiana University. One area of concern was the impact of pornography and erotic stimuli on adolescents. In general, they found that these teenagers exhibited healthy attitudes towards sex and although expressing more permissive attitudes towards sex and erotic stimuli, their behaviour did not differ in any substantial way from that of their parents. This research also revealed a similar pattern to that found in studies of adults and reported on earlier. For example, pornography of any type generally finds greater acceptance among males than among females. Male teenagers are exposed to pornography at an earlier age than their female counterparts and tend to define erotica in peer group terms. Of interest is the source of education regarding sex and sexual materials. Teenagers reported that most of their information was derived from the same sex peer group, followed in descending order of priority by information obtained from the opposite sex peer group, teachers, and lastly, but confined largely to the mother/daughter relationship, parents.

To the extent that parents were seen as a source of any significance at all, it was highly restricted in the types of information sought or conveyed (e.g., consequences of premarital sex).

In sum, there remains an area of major concern to the public which the research community has, for whatever reason, sadly neglected to address. The importance of this gap has been emphasized by numerous reviewers before us, but we found little evidence that efforts were under way to remedy this situation. Taking into consideration the findings of Elias (1978) regarding the sources children use to derive information on sexual matters and McCormack's (1984) point about the use of pornography for 'instructional' purposes by some adolescents we conclude this section with an observation by Dienstbier (1977):

"If wise decisions concerning sexual conduct are to be made by the individual as must ultimately be the case, then a maximum amount of relevant information must be available to the adolescent; wisdom does not easily result from ignorance."
(p. 187)

(c) Diagnostic and Treatment Groups

An area which has occupied the attention of investigators for many years has been the study of the impact of explicit sexual stimuli on medically and/or legally defined deviant populations (e.g., incarcerated sexual offenders).

Some recent research has attempted to explore the similarities and differences in arousal to different types of stimuli when comparing deviants with a control group. Abel (1978) reports that his studies have found that both rapists and non-rapists exhibit similar sexual responsivity to explicit stimuli depicting mutually enjoyable consenting sex, but differ when responding to depictions of rape scenes, and that the differences between rapists reflect characteristics of their offence. That is, the physiological measure in this situation, appeared to be a promising instrument for differential diagnosis; of value in determining the sadistic rapist or those more inclined to target highly vulnerable victims (youth or the elderly). Since this study is cited frequently it is necessary to point out that the 'non-rapist' control group was comprised of persons referred for other sexually deviant behaviours.

Barbaree, et al (1979) compared responses of rapists with a control group of graduate students to three levels of stimuli: mutually consenting sex, rape, or violent non-sexual assault. The mutually consenting sex stimuli evoked comparable sex arousal in both groups and the rape stimuli produced the same level of sexual arousal in rapists but significantly less in the control group. The violent non-sexual assault condition evoked significantly less sexual arousal in students and produced a tendency to evoke less in rapists. However, the rapist group did not exhibit greater sexual arousal to forced or violent stimuli compared to the mutually consenting sex condition either as a group or as individuals. The authors' explanation for this finding is that violence failed to inhibit arousal of rapists and that is not the same thing as saying that violent sex caused the rapists' sexual arousal.

Heiman & Rowland (1983) report clear differences in the sexual responsivity between sexually dysfunctional males in comparison to a normal control. Differences were noted for example in that dysfunctional subjects gave both more negative responses and showed greater variability than the normal controls. The normal control group showed less awareness to their own physical responses than did the dysfunctional subjects.

Hinton et al (1980) studied the relationship between sexual orientation and sexual responsivity between sex offenders, typical heterosexuals and non-sexual attackers of women. In general, sex offenders showed greater responsivity to a film depicting abduction and rape than did the control group.

Kolarsky, et al (1978) comparing a group of sexual deviants (in this case mostly exhibitionists) to a control group, found that both groups responded positively to a female target portrayed in a film. Post hoc analysis of their data suggested that explicit scenes with reduced seductive behaviour of the female target but clearer presentation of the

genital areas elicited higher responsivity in the deviant group. In a series of studies testing this hypothesis that the inadequacy of the deviant resides in the inappropriate behavioural repertoire of the deviant regarding erotic pre-stimulation, Kollarsky & Madlafoseck (1983) confirmed and extended these findings.

In conducting an extensive study comparing incarcerated deviants with a control sample, Kant & Goldstein (1978) reported a series of interesting findings. Both rapists and child molesters had seen less pornography as teenagers than the control sample. Normal adults reported more experiences with pornography as teenagers than any of the deviant groups. Furthermore, as adults, normals continued to see more erotica than sexual offenders. As adolescents, both groups reported masturbation as the most common response to pornographic stimuli but as adults the normal control group now reported that heterosexual activity is the most common response to pornography. In general it was found that pornography cannot be shown to have triggered any identifiable, specific form of sexual deviance. The authors note that some exposure to pornography may be salutary and the concern that increasing exposure to explicit materials will lead to deviant behaviour does not seem to be supported by the evidence. In contrast, they note that the more likely determinant of current sexual practice is found in a combination of family background and current attitudes towards sexuality.

A continuing interest of clinical researchers is the possibility of using the relationship between exposure to pornographic stimuli and sexual responsivity as a technique for differential diagnosis to facilitate treatment. A number of researchers have demonstrated diagnostic utility of this approach (e.g., Abel, 1978; Barr, et al, 1976; Smith, 1975; Wincze et al, 1976). There are also a number of indications in the literature of a moderate degree of success in using pornographic stimuli within a specific type of treatment modality (e.g., covert sensitization) in application with specific diagnostic groups. Reynolds (1980) reports therapeutic value using erotic film segments, and Alfort, et al (1980) report success with this approach in the treatment of specific diagnostic categories (e.g., obscene phone callers and exhibitionists). Bergman (1982) has argued that many

otherwise potential candidates for therapeutic intervention use pornographic materials to satisfy their needs and as a result do not seek out therapy. He sees this as a type of fetish in that pornographic material becomes a substitute for genuine social interaction involving real people. Miller (1981) in discussing the relationship of deviants to pornographic materials argues that because perversions are so complex, the finding that a deviant may also consume pornography is relatively incidental to the etiology and characteristics of the disorder. West (1980) confirms this view in studying the characteristics of British sex offenders. The observation that many sex offenders have non-sexual criminal records and a disordered history in all other facets of their lives suggests that the use of sexually explicit material is not an issue of importance. Finally, we should note the data derived from the earlier studies of Denmark which found that voyeurism significantly decreased with the liberalization of restrictions on pornography (Kutchinsky, 1976).

As with previous research, the laboratory studies of deviant groups also suffer from numerous problems. Abel, et al (1975) for example, demonstrate that erotic cues used in research with sexual deviants are highly idiosyncratic. Further, because the research involves highly complex, multi-variate situations attempts to infer simple cause-effect relationships should be resisted. (Abel, et al, 1981).

Summary

The guiding theme of the review thus far has been to ascertain the evidence which supports contentions that pornography is directly implicated as a cause of benefits and/or harms to the society and actual or potential consumers of it. The results are not encouraging in attempting to resolve the issue. The knowledge base is simply inadequate and from what little we do know, conclusions which generalize to Canadian society are not persuasive and should be treated with a high degree of caution.

SECTION III

THE GOALS AND LIMITATIONS OF RESEARCH

Introduction

"The goal of science is usually to organize under a unifying theoretical system a great diversity of complex information which would have been unmanageable if not so systematized; but oversimplification is sometimes the result. At the present stage in the development of psychology and some other social sciences, progress will often stem from the elimination or elaboration of oversimplified theoretical systems." (Dienstbier, 1977, p. 1987)

As is often the case, the mystery is in the telling rather than in the doing of the thing. This is reflected in the basic goals and limitations of laboratory research. The scientist takes a problem into the laboratory in order to be able to assert, with some degree of probability, the doctrine of ceteris paribus, i.e., 'other things being equal', changes in one thing (e.g., intensity of light) are followed by changes in another thing (e.g., pupil dilation). Since we can never achieve perfect equality, the task of the researcher is to design and control the study to get things as nearly equal as possible in order to reduce the possibility of some other things affecting the outcomes. Where the degree of control exerted to prevent error is high and the problem simple, confidence in the experiment increases. As the level of complexity in the conceptualization and execution of a study increases, the level of actual (as opposed to statistical) confidence tends to wane. Stated another way, the more complex the experiment, the more skeptical and cautious we must be in the interpretation of it. There is really nothing very mysterious about research methods and most criticism is grounded in basic common-sense.

With this consideration in mind, this report has reserved presentation and comment of that body of work which critics of the conclusions of the various advisory groups have claimed 'remains unconsidered' (e.g., Court, 1980). Specifically, the reference is to the research which explores the relationship between exposure to material with sexual and violent themes

and its impact on sexually aggressive behaviour. This research was considered in this review. In addition, more recent work has appeared which attempts to integrate the wide array of studies (e.g., Malamuth & Donnerstein, 1984; Zillman, forthcoming) and/or engage in critique (e.g., Gray, 1982; McCormack, 1983; 1984).

Since we were not engaged in building argument, but rather conducting an independent review and objective appraisal of the work, selecting to present it on a study-by-study basis, while citing the litany of cautions noted by the author(s) in each piece of work and adding our own criticisms, would have been of interest only to a very narrow group of readers. For example, since, by definition, experimental subjects had 'consumed' pornography, this research could have been reported under the category of 'Consumers'. This was resisted for a specific reason: that a major criticism of this type of work resides in the question of its external validity, i.e., the extent to which the findings can be generalized beyond the laboratory setting to broader-based groups.

Thus, the remainder of this presentation will be confined to identifying and summarizing general themes of the research and restrict criticism to more general levels of comment and illustration.

It is worth emphasizing at this point that the goals of research are modest and the limitations numerous. Findings from a single study are rarely (if ever) clear or definitive. Attempts to replicate findings are consistently disappointing in the social sciences. As Sales (1974) has noted:

"The most fertile search for validity comes from a combined series of different measures, each with its idiosyncratic weaknesses, each pointed to a single hypothesis. When a hypothesis can survive the confrontation of a series of complementary methods of testing, it contains a degree of validity unattainable by one tested within the more constricted framework of a single method." (p. 45)

Fads and Fashions in Research

Psychology, and perhaps more so for the sub-discipline of social psychology, has always been plagued by the problem of its practitioners following fads and fashions of behaviour under very narrow circumstances in their research. This, in contrast, to the seemingly more mundane activity of systematically building a knowledge base respecting human behaviour as it applies across a broader range of situations. Although numerous reasons have been advanced to explain this foible, one of the most interesting in looking at the current, almost frenetic production of studies in the arena, is, that the paucity of theory which would serve to integrate complex findings or enable the generation of testable hypotheses leads researchers to rely on empirical questions. For the most part, these are of the 'what-if...?' type, which when tested in laboratory or field settings tend to accumulate into a veritable hodge-podge of 'findings', leaving the sorting and integrating process for some later date. As indicated, the process of attempting to disentangle these studies and make some general sense out of them is under way. It will take time and persistence before any strong conclusions can be drawn or stated with a degree of confidence. What can be said, is at present time, research on pornography, particularly violent pornography, is fashionable for some social psychologists.

Pornography and Rape

The most reasonable explanation for the resurgence of interest by social psychologists in conducting research on pornography, has been succinctly noted by McCormack (1984):

"The pornography issue centers largely on rape. Theories about rape range from individual pathology or "deviance" to structural analyses which regard rape as a system of social control, a form of coercion which, like slavery, may be related to the modes of production. Feminists have been critical of both extremes--the pathology approach and the materialist Marxist one. Instead the emphasis is on rape as a criminal offense but one which is nevertheless

supported and encouraged by a variety of myths about the victims. Thus, almost any man, regardless of his personal history, is a potential participant in coercive sexuality, and, unless the coercion is of an extraordinary nature, he can count on a certain amount of public indifference and tolerance from the law enforcement system and the judiciary ... "The means of coercion may be anything from the use of actual force to threats to use force to other kinds of intimidation. Rape, then, has been redefined as an act of aggression intended to give the victim pain rather than pleasure in order to demonstrate and realize control." (pps. 19-20)

Redefining rape as an 'act of aggression', adding the premise that pornography portrays coercive sexuality, and coupling this with the assumption that the violence component in this material has been increasing, has enabled researchers to attempt to restate many of the issues in the form of empirical questions.

The reasoning is as follows: pornography has been used as a stimulus in prior research; aggression has been extensively studied in lab setting; aggression is both harmful and anti-social; therefore, controlled experiments can be conducted by adopting operational definitions which use pornography as the stimulus and measures of aggression as the response, thus enabling more direct, cause-effect relationships to be established. Further, if it can be found that pornography causes increases on measures of aggression (or related anti-social attitudes or behaviour) then the inference can be drawn that pornography causes harm and this conclusion generalized to persons or situations beyond the laboratory. A minor variation of this curious form of logic, suggests that if it can be established that pornography causes greater increases on measures of aggression for males, or that males tend to target females for aggression, then the inference can be drawn that pornography causes harm: to the male because it will either distort or reinforce erroneous views regarding female sexuality; and, to the female because she is the recipient of harm in this context and in its extreme expression, the victim of rape.

Regardless of your opinion of this logic, it is important to note that it is never articulated or stated a priori in any of the research reports. It is speculation only, but one obvious reason is that deliberately exposing experimental subjects to potential harm without clear, informed consent and strong, persuasive argument for the conduct of such research would represent a potential gross breach of professional ethics. Although questions have been raised with regard to the 'ethics' of some of this research it has not been our purpose in presenting this line of reasoning here (McCormack, 1984; Sherif, 1980). To be clear, we are not claiming that researchers are deliberately refraining from stating some 'hidden agenda', we have neither the knowledge nor the inclination to suggest anything of the sort, but rather, our purpose has been to extract and summarize the type of reasoning which appears to be woven throughout the spectrum of research work in this area.

As to the relationship between pornography and rape, we are in agreement with other reviewers who have considered this research (e.g., Gray, 1982; McCormack, 1984). Turning again to McCormack (1984):

"As things stand at present there is no systematic evidence to link either directly or indirectly the use of pornography (soft-core or hard-core) with rape. There are many anecdotal accounts and a great deal of speculation; to many people it seems like such a plausible connection--"pornography is the theory, rape is the practice"--that it is difficult to accept." (p. 21)

The Magic Hyphen: Linking Sex and Aggression

A hyphen is simply a short line used to connect the parts of a compound word or the parts of a word divided for any purpose. In this research we are seeing a novel use of the hyphen; as a bridge in the development of new terminology. Inserting a hyphen between sex and aggression may at first glance, seem to be an act of insight. The simplicity and elegance of this potential linkage has a special appeal since it opens up the

possibilities of utilizing the vast bodies of knowledge accumulated in these two independent areas of scientific inquiry over the period of several decades of research and theory construction. The literature pertaining to 'Sex' and work on 'Aggression' although developed independently, are each rich in established method, data, and theory. The hyphen then, serves to suggest a causal linkage, which would enable the researcher to somehow 'fit' pornography into this new formula. For example, Stock (1984) raises the question in its most familiar form:

"If violent content in the media leads to aggressive behaviour, why should violence embedded in pornography be mysteriously exempt from this process?" (p. 13)

Although the initial appeal of this exercise in semantics is evident we also found it somewhat disquieting. Establishing a new knowledge base (more recent works refer to their field of inquiry as 'Sexual Aggression' discarding the hyphen by implying a causal linkage without clear demonstration of its parameters can only confuse and mislead. We are not without precedent in asking: "What does the arrow mean?" when presented with the equation $S \rightarrow R$ (written: Stimulus-Response) by one of his teachers. He along with many others devoted a lifetime of study, in an attempt to resolve the question.

The impetus for linking sex with aggression research can be largely attributed to the consistent findings of various commissions, committees, and task forces which have independently investigated the impact of pornography or violence. What appears to puzzle many is that the findings are consistently at variance with each other (e.g., Stock, 1984). This had led to a continuing controversy over the applicability of research on aggression/violence to research on pornography. Berkowitz (1971) drew attention to this apparent contradiction by citing the findings of two (U.S.) Presidential Commissions reporting contemporaneously. The first, on causes and prevention of violence concluded that media violence can be said to be causally related to viewer's subsequent aggressive behaviour. The second, on obscenity and pornography concluded that the portrayal of explicit sex,

including deviant acts, could not be said to be causally related to subsequent changes in sexual or deviant behaviour. A variety of possible explanations have been offered for the apparent discrepancy in such findings. Dienstbier (1977) for example has suggested that:

"An answer to this apparent contradiction between the reports would, therefore, emphasize that pornography and media violence do not equally promote deviancy or do equal harm since normal sexuality and normal aggression are best viewed as quite different in harm or deviance value."
(p. 179)

Nonetheless, the debate persists, with the addition of new reports which for the most part, follow the same patterns of previous findings, i.e., media violence seen as a causal factor in subsequent aggressive acts, and exposure to explicit sexual materials failing to yield any conclusive causal connection to changes in sexual behaviour.

To be clear on this point, we have no quarrel with the idea that some sexual acts are aggressive or acts of aggression sexual, in fantasy or reality. What we are concerned with is the appeal to established bodies of knowledge with independently developed histories and at different levels of evolution, and the implication that an accepted and understood causal relationship can be readily applied to yet another field of inquiry: Sexual Aggression. Stated in a slightly different form, McCormack (1978) observes:

"If a relationship between pornography and violence was found, we would expect consistent findings, but it is their absence that concerns us, the accident of two literatures developing independently. However it happened, it remains a conspicuous dilemma." (p. 551)

This avenue of investigation, and the contribution of pornography to it, may eventually find considerable benefit from this hyphenating process, but is still a long way from establishing its knowledge base.

Themes in Recent Laboratory Research

The most consistent claims of recent laboratory-based research generally focus on three major themes:

(i) That exposure to intense, sexually explicit stimuli (often portraying harm-doing) generally lead to increases on experimental measurements of 'aggression', 'retaliation', 'annoyance', etc, in persons provoked during the course of the experiment (e.g., Check & Malamuth, 1984; Donnerstein & Berkowitz, 1981; Baron, 1979; Cantor, et al, 1978; Ramirez, Bryant & Zillman, 1982; Zillman, forthcoming). The concern with this theme resides in the potential for differential responsivity in the selection by provoked males or females of the gender of the target as the recipient of expressions of this induced state and/or the intensity with which this is translated in application (e.g., measures of acceptance or rejection, attitudinal or behavioural changes). Stated another way, the underlying assumptions are generally in the direction of the proposition that provoked males will target females for their 'aggressive' reactions and that this will be rendered more likely and more intense by exposure to pornography depicting harm-doing towards females (e.g., Check & Malamuth, 1984; Donnerstein, 1980; Donnerstein & Berkowitz, 1981; Donnerstein & Hallum, 1978; Ramirez, Bryant & Zillman, 1982; Sapolosky & Zillman, 1981; Zillman & Bryant, 1982). The research addressing this issue has provided mixed and often rather curious inconsistencies which indicate that the underlying proposition, when tested in laboratory settings, is far from simple in observed effects. When similar patterns are found for females, subjects are offered a pro-social choice as a response, or a myriad of variables appear to be mediating between stimulus and response, we are confronted with a complex, multi-variate set of outcomes. (e.g., Baron, 1979; Baron & Bell, 1977; Cantor, et al, 1978; Donnerstein & Barrett, 1978; Gray, 1982; Frodi, 1977; Jaffee, 1981; Jaffee & Berger, 1977; Leonard & Taylor, 1983; McCormack, 1984; White, 1979; Wolchick, 1980).

(ii) That exposure to mild, albeit explicit stimuli (often portraying mutually consenting, pleasurable sexual behaviour) leads to decreases on the same type of experimental measures, even though the person may have been

provoked during the experiment. The most frequent interpretation proffered for this change is that the less extreme sexual material distracts, inhibits or is incompatible with 'aggressive' types of responses. (e.g., Baron, 1974; Baron & Bell, 1977; Check & Malamuth, 1984; Donnerstein, et al, 1975; Gray, 1982; Zillman & Sapolsky, 1977).

(iii) That increases in arousal per se, due to an array of proposed etiological factors have resulted in such a close linkage between the concepts of sex and aggression that either, the stimulation of one type of arousal can influence both, or, that the aroused person is in a state which leads to confusion regarding the appropriate or veridical cognition to apply in explaining their arousal (e.g., Baron, 1974; 1978; Check & Malamuth, 1984; Court, 1984; Donnerstein, 1980; Donnerstein, et al, 1975; Gray, 1982; McCormack, 1973, 1984; Zillman, 1978, 1979, 1982, 1984, forthcoming). There have been a wide variety of proposed etiological factors which are seen as responsible in theory and practice for the linkage between sex and aggression. These comprise representations from a vast array of established theory (e.g., learning, and psychoanalytic theories) to a series of hypotheses derived from other analyses (e.g., rape myths, male anger). McCormack (1984) has provided an excellent review of many of the more traditional approaches and noted the apparent contradictions in hypothesis generating which could be tested in future research on etiology (e.g., behaviouristic models versus psychoanalytic theory). McCormack, it should be noted, prefers a reference group explanation which emphasizes the socialization process and the availability of alternative imagery during the learning of sex roles. Malamuth (1981) proposes a proclivity to rape; supported by rape myths in our culture (See also: Check & Malamuth, 1984; Malamuth & Check, 1984) Gray (1982) indicates that the essence of the problem resides in the development and forms of expression of male anger. Finally, but by no means exhaustive of the range of proposals, Zillman (forthcoming) argues that the link between sex and aggression has become so firmly established in our development that the intensity of arousal (excitatory potential) and cues from the portrayals in violent pornography such as pleasure or pain (hedonic valence) in any given situation, can shape our subsequent response in terms of

attitudes and behaviours associated with sex or aggression.

Regardless of the proposed etiological framework advanced to explain the basic themes of this recent research, the research itself must be accorded closer scrutiny.

Problems and Limitations

As with all research employing experimental or quasi-experimental designs, the weaknesses and limitations are subsumed under two categories: First to what extent are the results interpretable (i.e., internal validity)? and second, to what extent can the results be generalized (i.e., external validity)? It would serve no useful purpose to list all of the potential sources which threaten the validity of each study. We found that the author(s) consistently documented many of the potential weakness and issued numerous cautions regarding limitations which should be observed in each study. Nonetheless, this research continues to be cited as if the weaknesses and limitations were incidental to the 'findings'. They are not. The level of complexity of this research, the use of deception as to method and/or purpose, the problems of reliability of measures, and the translation of operational definitions into measurement methodology render this entire area highly problematic in both interpretation and generalizability.

The only way we found to convey what is happening in much of this research was to take you into the lab and illustrate it by describing what is happening to the subject.

Where's the Harm?

Consider, if you will, the following scenario: take a probably somewhat anxious and uncertain young undergraduate student volunteer; invite this person to attend at your laboratory to earn bonus credits for their course in "Communications" and make a contribution to Science; when they arrive, omit any information which would help them clarify expectations:

"this study concerns peoples reactions to visual stimuli:
it will be considered in two parts"

Then, have an authority figure attach some weird device to their body; tell them you're monitoring a physiological activity (but don't really do it); moments later, insult, demean and derogate this young person for not complying with your instructions (regardless of their actual efforts to comply):

"Apparently you don't listen to instructions very well. All that you're required to do in this study is to watch the screen and sit still. You're moving way too much. Sit absolutely still!! All that I ask is that you try to be more cooperative. Any adult can do that".

The 'visual stimuli' is then presented and consists of a video-tape of 4 minutes duration depicting:

- A). the flight of a bird in extreme slow motion;
- B). life under sea in slow motion; and,
- C). the destruction of a dead mouse by blow-fly maggots in time-lapse photography.

During this scene, and for good measure, engage in even more provocative levels of interpersonal nastiness (still without regard for their actual efforts to comply):

"Look, I asked you not to move! Is that so hard to do?".

Then, ripping off a (bogus) reading of the person's response, angrily display the sheet while stating:

"See that?" That's you squirming around! It's so bad we'll have to do it over! Now try harder to cooperate this time!

So you do it again, but this time the person gets to see the whole tape; the birds, the sea, and the maggots.

Having accomplished this rather deplorable bit of behaviour and without further ado, turn this young person over to another authority figure; move them to another laboratory; omit any specific information which would help clarify or explain the situation; attach some new weird devices to their body, purporting to measure some physiological activity; show them a hard-core pornographic film of approximately 10 minutes duration; then place a questionnaire before them to be filled in, while at the same time deliberately misleading them as to its true purpose; tell them it's over, explain what you were 'really studying' and its importance to Science, then send them back to their next class on 'Communications'.

We can only speculate of course, but it is not unreasonable to expect this young student to register a degree of surprise when they subsequently read about their participation in the research report. The first experimenter wasn't merely rude, but delivering a 'provocation treatment' (severe level). The anonymous ratings of the performance, manner of interacting, and opinions regarding the subsequent reappointment of the rude experimenter were considered as measures of 'retaliatory behaviour' (and were not really anonymous). Ratings of the experiment regarding dissatisfaction with treatment and the demands were considered as measures of 'expressions of annoyance'. Finally, they would read that the hard-core porno-flick (containing scenes between a male and female of : fellatio, cunnilingus, intercourse in various positions, and ejaculation into the female's face) was considered 'erotica' and the purpose of the study was to determine its effect on 'aggression'.

Our purpose with this illustration is not to focus criticism on any one specific experiment, but rather to provide a perspective which appears to be lacking, when this genre of research is discussed in the literature on pornography.

This study appeared in the prestigious Journal of Personality and Social Psychology in 1982 under the authorship of John Ramirez, Jennings Bryant, and Dolf Zillman, with the title: "Effects of Erotica on Retaliatory Behavior as a Function of Level of Prior Provocation" (pp. 971-978). This is a journal with stringent publication procedures; has a broad, international audience; where reports are often abstracted by popular media; and this specific study has been cited frequently in the literature on pornography. In other words, it reflects some of the highest standards applied to research studies on pornography.

In fairness, we have described in detail only one condition in a study employing a factorial design. It is presented as an illustration to help to develop a clear understanding of the precise circumstances in which experiments take place i.e., what in fact is happening to the subject. This technique is not a novel one for most social psychologists (Orne, 1969). The 'non-experiment' in which the procedures are described for subjects instructed to imagine themselves as if the experiment were actually taking place can be shown the rooms, equipment, reporting their ongoing impressions or even filling in measures of the dependent variables, is not unique. The difference, however, is that this is usually done prior to conducting the actual experiment. Interest in the phenomenology of the subject; how the person perceives the method and purpose of any experiment, has developed over recent decades in order to reduce or eliminate artifact which can produce erroneous findings or conclusions.

The concern over this type of experiment (e.g., employing deception; non-normative levels of interpersonal confrontation; complex situations with high levels of ambiguity and uncertainty) has led to the development of subdiscipline; the social psychology of the psychology experiment (e.g., Hendrick & Jones, 1972; Rosenthal & Rosnow, 1969). This is a field with which it is essential to have some familiarity; not only to conceive and conduct such experimentation but also to enable critical evaluation of any research reports of this type. Byrne (1977) has discussed the relationship of social psychological research applied to problems raised by pornography. We find substantial agreement in the argument for the relevance of traditional principles and paradigms to enlarge our understanding, providing these are also tempered with traditional caution.

As noted earlier, the question of generalizability must be consistently raised with respect to many of the operational definitions employed in this research. It is one thing to proclaim in public forums that research has clearly established that pornography causes sexual callousness, increases dispositions toward rape and leads to the trivialization of rape among males (e.g., Professor Donnerstein on the 'Donahue' television show, 1984). It is an entirely different matter, if such definitive statements are based on a piece of research, conducted with college students, under contrived conditions, and where the measures of said 'attitude' or 'behaviour' are derived from questionnaires regarding such things as the degree of support for the women's liberation movement or suggesting a period of incarceration for the rapist described in a newspaper account of a rape case (Zillman & Bryant, 1982). Perhaps even more disturbing, would be the inclination of some to want to extrapolate from a single piece of research without drawing attention to the present lack of multiple confirmation of method or results. Alluded to earlier, it is accepted wisdom in the social sciences that this confirming process often yields inconsistent or disappointing results.

Another point should be noted in the illustration. There is a tendency for both the public and the researchers to use the terms 'attitude' and 'behaviour' interchangeably. As social psychologists should know, since they drew the distinction and studied it, the terms differ vastly. In many cases, attitudes and behaviour do not correlate at all or can correlate negatively. In other words, a person can express a very strong negative attitude towards something while behaving in precisely the opposite direction when actually dealing with it. Thus a measure of attitude does not necessarily translate into behaviour.

Pornography and Research in the Laboratory

Much of the laboratory-based research reviewed by us can be considered as ample testimony to the ingenuity of researchers to construct situations in which their subjects will perform almost any conceivable behaviour(s) within the limitations imposed by conduct under scrutiny by those in authority.

It is important to consider that research subjects have been: provoked, insulted, angered, deceived and evaluated, frequently in what must seem to them to be an erroneous, arbitrary or whimsical manner. They have been: threatened, chastised, shocked or buzzed with minimal information as to purpose. Almost every part of their bodies have been attached to bizarre devices, which they have been told, accurately or erroneously, are capable of measuring an array of bodily functions such as: heart-rate, galvanic skin response, pelvic constrictions or erections. They have been asked to masturbate and have complied. They have been required to fill in forms revealing the most intimate details of their lives, related to sexual activities, masturbatory habits, and fantasies. They have been forced, within the experimental context, to make choices between greater or lesser harm to others rather than the option of harming versus helping. They have endured through often massive exposures to: slides, audio/video tapes, films, and literature, depicting a curious array of activities encompassing such content as slow-motion portrayals of birds in flight through orgies to scenes of brutal rape.

We've noted earlier in this report that the focus of much of the new generation of literature has shifted, viz., an emphasis on seeking out harmful effects of exposure to pornography. Within the social sciences, there is a substantial body of literature accumulated to date, which demonstrates the circumstances leading subjects in an 'experiment' to perform a variety of incredible behaviours ranging from blatantly silly (e.g., trying to balance one marble on top of another, pick up a blob of mercury with a popsicle stick, sort garbage into wet versus dry trash) through to the powerfully disturbing (e.g., apparently delivering strong electric shocks

to another person suffering severe physical distress with seemingly little justification.

Having said this, it must also be stated that much of this research must be considered as a tribute to the compliance, patience and extraordinary good-will of persons toward those conducting research in the name of Science.

We would be seriously remiss if we failed to emphasize our level of astonishment at some of the nonsense going on and worse still, being treated seriously, in this research. In one of the most thoughtful, careful and constructively critical reviews (in a field where such work often remains unpolluted by logic) Thelma McCormack (1984) refers to the '...mindlessness of this research...'; a view we share and applaud.

It is only necessary to apply the extension of logic through *reductio ad absurdum* to some of this research in order to add our own voices to McCormack's. That is, in spite of the best efforts of experiments, we are not aware of a single incident of assault, rape or sexual acts of a subject committed against or with the experimenter. Further, in spite of frequent, repeated exposure to massive doses of a vast array of pornography, experimenters and their confederates seem to be behaving themselves with subjects. Still, we must remember, that experimenters can occasionally be deliberately and routinely insulting, apparently callous and provocative in their behaviour toward their subjects. This would suggest that a fruitful line of investigation may reside in studies of people conducting the research. At the very least, this might help us to better understand the special qualities which appear to exempt them from the effects experienced by their experimental subjects, the group from which they wish to generalize from to the behaviour of other populations.

It is indicative to the 'state of the art' that we felt compelled to reduce this issue to its absurd extension. Research lends a mantle of credibility to persons citing it in support of attempts to influence changes in social policy and law. Social scientists involved in research pertaining to pornography should feel a special obligation to obey the limitations imposed by scientific convention. In other words, when a subject tells you, on rating form after rating form, that he or she is disgusted with the treatment received or resents strongly elements of the study (e.g., pornography) that's not just a measurement, it's a message. The message is it's time to stop and take a good, long look at what you're doing.

Where Do We Go From Here?

Our recommendations to policy makers and legislators is straightforward: if you wish to take action involving changes in law and social policy regarding pornography then do so. But do so on the basis of considerations other than the contemporary state of the research or the research community's contributions to our knowledge base during the past ten years. The relationship between research and policy has always been controversial and complex (e.g., McKay, Jayewardene & Reddie, 1979). In the case of pornography, the question of its potential for benefit or harm, remains for the most part just that: a question of 'potential'.

Our recommendations to the research community is also straightforward: your credibility is at issue in the use of research findings and expertise in the public forums which will shape changes in social policy and law in this area - thus, take heed as to what is being said in your name - 'science'.

We would also urge that anyone engaged in the debate surrounding pornography develop a healthy sense of skepticism toward arguments. It is not necessary to adopt a pro-pornography position in order to engage in constructive criticism. For those trained to be skeptical, as social scientists are, we address a specific plea: that they not suspend this healthy and essential quality in the advancement of knowledge. It is only through a process such as this that we can see the likely development of a centre which can provide balance in this area. The balance is crucial, we feel, because the models of humanity which seem to be underpinning some of the more extreme positions, are oversimplified and reflect a rather sad and cynical view of the human condition, views which we seriously doubt are shared by most Canadians.

We conclude with a caution for those seeking information in this area:

"Proselytizing is more a passionate search for something not yet found than a desire to bestow upon the world something we already have. It is a search for a final and irrefutable demonstration that our absolute truth is indeed the one and only truth. The proselytizing fanatic strengthens his own faith by converting others. The creed whose legitimacy is most easily challenged is likely to develop the strongest proselytizing impulse." (Hoffer, 1951, p. 102)

SECTION IV

SUMMARY OF CONCLUSIONS

In presenting this summary in point form certain assumptions require clarification:

First, we have resisted the tendency observed in many thoughtful reviews in this area as well as in the process of drawing our own conclusions. There is, we found, a felt pressure to want to qualify statements until they are rendered at best open to alternative interpretations and at worst meaningless, neither outcome of which was intended by the reviewer. Thus we have tried to be concise without sacrificing precision in presenting the results of our review process.

Second, the conclusions are derived from our overall reviewing framework; speak only to the evidence before us; and focus upon the literature published during the past ten years.

Third, when we refer to the average adult Canadian, we simply mean men and women who have reached the age of legal majority and are capable of making clear distinctions between fantasy and reality.

To summarize our conclusions:

With respect to Society

- * There is no systematic research evidence available which suggests a causal relationship between pornography and the morality of Canadian society.
- * There is no systematic research evidence available which suggests that increases in specific forms of deviant behaviour, reflected in crime trend statistics (e.g., rape) are causally related to pornography. The few studies available in the area, tend to be correlational, and at this time controversial. Studies of Canadian data are lacking.

With Respect to Participants

- * There is no clear consensus as to how the production, distribution and marketing of pornography should be handled in Canadian society (e.g., decriminalization, more active enforcement of laws, new laws).
- * There is a surprising lack of evidence regarding the role of organized crime in the production, distribution and marketing of pornography in Canada.
- * There is little documentation available regarding the role of children as participants in the production of pornography. The few studies which exist are of the clinical case study variety or retrospective research where it is impossible to factor out the contribution of participation in pornography made to the person's subsequent problems compared to other factors (e.g., family instability). That young persons have been used in production of pornography, from infants to adolescents, has been clearly documented.

With Respect to Consumers

- * There is no persuasive evidence that the viewing of pornography causes harm to the average adult.
- * There is no persuasive evidence that exposure to pornography causes the average adult to harm others.
- * There is no evidence to suggest that exposure to pornography causes the average adult to alter established sex practices. On the contrary, the research supports the contention that exposure, although possibly producing a short term, transient alteration in patterns, has no effect in the longer term.

- * There is strong and consistent evidence that the viewing of pornography evokes a variety of emotional reactions to its content. These reactions depending upon situations and content, can range from anger to sexual arousal. Generally speaking, although both sexes exhibit physiological arousal to pornographic stimuli, females tend to report more unpleasant emotional reactions to content, and males, more pleasant experiences. Also, females are more likely than males to prefer to select alternative, non-pornographic stimuli when given a choice.
- * Although common-sense suggests support for the belief that there is an increase in availability of pornography we were surprised at the lack of documentation regarding medium, markets or consumer patterns. Information regarding the characteristics and patterns of new consumers compared to those with a prior history of use, is lacking.
- * Although the specific contribution is not completely understood, there is some evidence to suggest that the controlled use of pornography can be of benefit as a therapeutic tool in the treatment of select clinical populations (e.g., incarcerated sexual offenders).
- * For reasons which would be obvious (e.g., no investigator would deliberately expose minors to pornography) there is no documented evidence which would enable us to draw any firm conclusions regarding the effects on children of exposure to pornography. In the absence of such evidence, we can turn to the literature on the developmental characteristics of children, and extrapolate. Until systematic efforts are undertaken to remedy this weakness in the literature, common sense must prevail regarding minors viewing pornography.

Some Additional Findings

- * There is surprisingly little information available about the content of pornography currently on the market. Most documentation is anecdotal and highly selective, for the most part, to serve to illustrate a presentation.

- * We found the evidence to support the contention that the proportion of violent content in pornography has significantly increased inadequate to enable firm conclusions to be drawn at this time. Only a few studies exist, directed primarily at content analysis of magazines or booklets, and are of themselves insufficient to allow generalizability to other media, or for that matter even to other publications in the same media.
- * We found considerable evidence of conceptually cloudy thinking related to virtually every aspect of the work on the impact of pornography. The literature is rife with speculation and unwarranted assumptions (e.g., that attitudes and behaviour are highly correlated, or track each other directly). We can only hope that one of the desirable consequences of the current debate will be to bring more reasoned thought and clarity of understanding to this issue.

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THE IMPACT OF PORNOGRAPHY:

RESOURCE MATERIAL, 1975 - 1984.

by

H. B. McKay and D. J. Dolf

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INTRODUCTION

This compilation of resource material pertaining to the impact of pornography was prepared under contract with the Department of Justice Canada. It comprises literature published during the period 1975-1984.

The bibliography is presented in four sections.

- I. Canadian Studies (published in Canada or where the target group i.e., experimental subjects are clearly identified as Canadians.)
- II. International Studies
- III. General References
- IV. Bibliographies

Sections I and II are fully annotated by means of either a:

- A. Journal Abstract - usually provided by the author(s); or a
- B. Summary Abstract - which could reflect, for example,
 - i. a modified author abstract
 - ii. a summary provided by an abstracting service, or
 - iii. a condensation of the original abstract or article written by us.

Sections III and IV have been presented as an additional aid. It is the inherent plight of any bibliographer, while attempting to be comprehensive and thorough, to also recognize the impossibility of including all relevant works in a field of inquiry. The addition of these Sections are meant to serve as a guide to enable persons seeking further materials to pursue this task.

ACKNOWLEDGEMENTS

We take this brief opportunity to extend our sincere appreciation to those assisting in preparation of this work. Although we have attempted to express our gratitude individually we should like to do so once again here, collectively. A special note of thanks to Daniel Sansfaçon of the Department of Justice Canada for his continuing support, assistance and encouragement of our work on this project. Finally, the secretarial assistance of Jennifer Tabar was invaluable in preparing the manuscript.

SEARCH PROCEDURES

We have discussed the problems in defining key issues and terms related to 'pornography' in detail elsewhere (McKay, H. B. and Dolff, D. J. The Impact of Pornography: An Analysis of Research and Summary of Findings, In Mimeo, 1984). This preliminary analysis led us to adopt what we refer to as a working definition of pornography. In brief: if the title or abstract contained a reference to the word 'pornography' (or its variants) then our search procedure identified it for further examination. The computerized search facilities of Waterloo and York Universities were employed for abstract searches in the areas of Psychology, Sociology and Criminal Justice (which includes Law) to identify relevant work published from 1975 to the present time. In addition, manual search procedures were undertaken of the Psychological Abstracts in order to test the reliability of the yield from other sources and was found to be highly satisfactory. As a precaution against missing key articles we expanded our search to include the terms 'erotica', 'obscene', and 'sexually explicit' with no appreciable addition to the yield resulting. Finally, we cross-checked our output with available bibliographies, either published separately or presented in recent major review articles. Although this process contributed a few additional references, these were, for the most part, in the order of brochures, pamphlets, working papers, and papers presented at public or professional forums.

SECTION I:

CANADIAN STUDIES

Ahmed, S. M. Graffiti of Canadian High School Students. Psychological Reports, 1981, 49, 559-562.

Classified sex and cultural differences as reflected by inscriptions in washrooms and confirmed hypotheses that (1) females will write more graffiti than males; (2) there will be no sex differences in the proportion of sex-related graffiti to the total number of graffiti between males' and females' washrooms; (3) females will write more sex-romantic graffiti than males, and males will write more sex-erotic graffiti than females; and (4) French-Canadians will write more political graffiti than English-Canadians. Two english and 2 French high schools were selected for the purpose. E. Wales and B. Brewer's (See pa, vol 56:7884) scheme to classify the graffiti was used. Results are different from earlier studies. These differences might be explained in the terms of changes in prevailing attitudes and values of the society. Canadian data show more political graffiti than comparable American data. (11 ref).
-Summary Abstract

Barbaree, H. E., Marshall, W. L. & Lanthier, R. Deviant sexual arousal in rapists. Behaviour Research and Therapy, 1979, 17, 215-222.

Measured increase in penile circumference of 10 incarcerated rapists and 10 male graduate students during verbal descriptions of mutually consenting sex, rape, and violent nonsexual assault. Mutually consenting sex evoked sexual arousal in both groups. Rape evoked comparable arousing in rapists but significantly less arousal in nonrapists. Assault evoked significantly less arousal in nonrapists and tended to evoke less arousal in rapists. However, the rapists did not exhibit greater sexual arousal to forced or violent sex compared with consenting sex, either as a group or as individuals. It isn't necessarily true that forced or violent sex evoked rapists arousal but perhaps that force or violence failed to inhibit their arousal. (20 ref).

-Journal abstract

Bibby, R. W. Crime and punishment: A national reading. Social Indicators Research, 1981. 9, 1-13

Reported are results of a national survey, conducted from York University, Toronto, May - Nov 1975, pertaining to the perception of the seriousness of crime, response to crime, and views regarding three controversial areas--pornography, marijuana, and abortion. Some 1,917 Canadians, responding to a 303-item questionnaire, were found to be deeply concerned with the level of crime and critical of the police and the courts, favoring more severe handling of offenders, including the use of capital punishment. While the majority were opposed to the legalization of marijuana, they endorsed the criminalization of neither pornographic distribution to adults nor abortion in select situations. Implications of these findings are discussed. 6 Tables.

-Summary abstract

Brown, M., Amoroso, D. M., and Ware, E. E. Behavioural effects of viewing pornography. Journal of Social Psychology, 1976, 98, 235-245.

56 male college students looked at slides showing explicit sexual activity. Most of them found the experience moderately sexually arousing, enjoyable, and generally pleasant, but some reported being disgusted, ashamed, and shocked. Self-reports of sexual behaviour revealed no increase from the week preceding the viewing of the

slides to the week following the exposure. There was, however, a large increase in total sexual outlets the same day the slides were viewed, which disappeared by the next day. Most of the temporary increase was attributed to masturbation. Delayed arousal reactions and attempts to control arousal while viewing the slides support the argument that highly pornographic stimuli evoke defensive reactions in Ss. (23 ref).

-Journal abstract

Brown, M. Viewing time of pornography. Journal of Psychology, 1979, 102, 83-95.

To test the hypothesis that extremely hard core pornography may produce avoidance reactions, 30 males and 30 female university students viewed a series of sexual slides. Each was to be rated on a number of dimensions and could be viewed for as long as the S wished. With increasingly pornographic slides, males' viewing times first increased and then decreased, supporting the hypothesis. The female viewing times showed the gradual increase, but no decrease. Though the sexes did not differ in their pornography ratings, the females found all but the male themes less arousing and rated them more negatively. Despite the use of 2 very different female experimenters, there was no evidence of any experimenter effects. (11 ref).

-Journal abstract

Charbonneau, J. P. Underworld in the business world. Criminologie, 1977, 10, 29-45.

Activities of organized crime and its relationship to unscrupulous business practices (including pornography) are described. --Bibliography is supplied by the author. In French.

-Summary abstract

Check, J. V. P. & Malamuth, N. M. Pornography and sexual aggression: A social learning theory analysis. Preprint In Mimeo, 1984.

Presents an attempt to place recent research on pornography into an established theoretical framework: Social learning Theory. The analysis provides for generating some unique and testable hypothesis to guide future research in this area.

-Summary Abstract

Crepault, C., & Couture, M. Men's erotic fantasies. Archives of Sexual Behaviour, 1980, 9, 565-581

Francophone males living in Quebec (number of cases = 94, aged 20 - 45) volunteered to participate in a study of erotic fantasy. About 60% of the subjects were married; all had been living with a content of fantasies during intercourse and the frequency of similar fantasies during masturbation. All subjects reported fantasizing outside of sexual activity; 75% admitted to fantasy during heterosexual activity; & more than 66% of the subjects who admitted to masturbation (number of cases = 87) reported erotic fantasies contained in the questionnaire, 10 were preferred in both kinds of sexual activity. The significance of fantasy in male sexuality is discussed, and the females by C. Crepault, G. Abraham, R. Porto, and M. Couture ("Erotic Sexology, New York: Plenum Press, 1977, 267-283). 8 Tables

-Summary abstract

Fisher, W. A., & Byrne, D. Individual differences in affective, evaluative, and behavioural responses to erotic film. Journal of Applied Social Psychology, 1978, 8, 355-365

The current research attempted to replicate and explore further unexpected pilot data (D. Byrne, 1971; D. Byrne et al, 1974) indicating that negative reactions to filmed erotica may be associated with postexposure increases in sexual activity. 31 male and 31 female college students viewed an erotic film; background variables, affective, evaluative, and sexual-behavioural responses were assessed. Compared to individuals who evaluated the film as relatively nonpornographic, those who rated it as pornographic reported more restrictive sexual socialization experiences and more negative attitudes toward sex, responded to the film with more negative affect, and showed greater increases in sexual activity subsequent to exposure. Additional analysis provided some evidence that evaluations mediated behavioural responses to the stimulus. Cognitive labeling, transfer of arousal, and disinhibition considerations which may account for the relationship between responses to erotica and postexposure sexual activity, are discussed. (20 ref)

-Journal abstract

Freund, K. The present state of the Phallometric Test of Erotic Preference. European Journal of Behavioural Analysis & Modification. 1975, 1, 27-28.

Comments on a study by M. Lee-Evans et al (see pa, Vol 54:issue 6) which used the measurement of penile circumference to assess sexual orientation. Findings on the comparative sensitivity of penile circumference and penile volume change measurements are briefly examined, and the use of these types of measurement in cases of mild sexual arousal and/or uncooperative Ss is considered.

-Summary abstract

Freund, K. Diagnosis and treatment of forensically significant anomalous erotic preferences. Canadian Journal of Criminology & Corrections, 1976, 18, 181-189.

Three abnormal erotic preferences are discussed: (A) sadism, (B) pedophilia (child molesting), (C) courtship disorders (voyeurism, exhibitionism, toucheurism, rape, and frotteurism--when a male pushes against a clothed females buttocks and ejaculates). Measuring the penile reaction of suspected males to appropriate pictures is recommended, and a chart representing such reactions for normal

heterosexual males is included. There is no effective treatment for sadism. Pedophiliacs can be treated by female hormone injections which lower their sex urge. No reliable treatment for courtship disorders is known. (French summary) (28 ref).

-Summary abstract

Freund, K. Psychophysiological assessment of change in erotic preferences.
Behaviour Research & Therapy. 1977, 15, 297-301.

The difficulties involved in validating effectiveness of the various therapies of anomalous preferences are often underestimated. Basically, methods of physiological assessment of erotic preferences would appear to be promising. However, they still pose considerable problems. There are two kinds of such methods, those where measurement of general arousal is employed, and those which are based on assessment of sexual arousal proper. The former are only weak indicators of erotic preferences; the latter are, to date, represented only by assessment of penile volume changes to various kinds of potentially erotic stimuli (The phallometric test). The usefulness of the latter method in assessment of therapeutic change in erotic preferences is basically limited to one particular situation only. Suggestions for making this test more useful as an indicator of therapeutic change in erotic preferences are given. (55 ref).

-Summary abstract

Freund, K., A conceptual frame-work for the study of anomalous erotic preferences.
Journal of Sex and Marital Therapy, 1978, 4, 3-10.

Operation definitions are given for the terms "erotic" or "sexual" and "erotic arousal level." Measurement of erotic arousal level is discussed, as well as "scales of erotic value." A reference system for the analysis of the progression of sexual interactions is presented, and the analysis of anomalies from the norm of such a progression is briefly discussed. (22 ref)

-Journal abstract

Freund, K., Steiner, B. W. and Chan, S. Two types of cross-gender identity.
Archives of Sexual Behaviour, 1982, 11, 49-63.

A revision of the typology of male cross-gender identity was carried out using questionnaire data from 124 subjects. The results suggest that: (1) there are two discrete types of cross-gender identity, one heterosexual, the other homosexual; (2) transvestism, and closely related conditions of cross-gender identity, occur exclusively in heterosexuals; (3) transsexualism that is neither preceded by transvestism nor accompanied by cross-gender fetishism is very rare or non-existent; (4) in the course of time, transvestites or borderline transsexuals may develop sustained cross-gender identity; and (5) although transsexualism by itself may be an anomalous erotic preference, it is always either preceded by transvestism or accompanied by homosexuality or cross-gender fetishism. 2 Figures.

-Summary abstract

Groth, A. N., & Birnbaum, H. J. Portrait of a rapist: Is he someone you know?
Pageant, 1976, 31, 122-130.

Rape is sometimes attributed to the increasing availability of pronography: But since arousal of fear or anger, not sexual arousal, leads to rape, the banning of pornographic material will not stop the crime.

-Summary abstract

Harris, R., Yullis, S., & Lacoste, D. Relationships among sexual arousability, imagery ability and introversion-extraversion. Journal of Sex Research, 1980, 16, 72-86.

On the assumption that cognitive processes mediate sexual learning and sexual behaviour, it was hypothesized that there would be a positive correlation between self-reports of sexual arousability and imagery ability. A positive relationship between imagery ability and introversion was also predicted. The Sexual Arousability Inventory, Betts Questionnaire Upon Mental Imagery (shortened form), and the Eysenck Personality Inventory were administered to 100 male and 100 female undergraduates. Males and females reporting greater ability to form clear, vivid images also reported significantly higher sexual arousability than their introverted counterparts. Frequency of coitus and of coital orgasm were significantly related to reports of sexual arousability for both sexes. (61 ref)

-Journal abstract

Hoon, E. F., & Hoon, P. W. Styles of sexual expression in women: Clinical implications of multivariate analysis. Archives of Sexual Behaviour, 1978, 7, 105-116.

Applied 2 different multivariate techniques to self-reported trait and behavioural data concerning sexual behaviour in 370 17-59 yr old North American women. Canonical correlation delineated 3 styles in which certain demographic attributes and cognitive indices of sexual arousal were related to forms of sexual expression. The 1st style was characterized by respondents who experienced high rates of intercourse and orgasm in a cohabitation arrangement but who did not necessarily report satisfaction with their sexual responsiveness. A 2nd style was characterized by older women currently without partners who expressed a liking for erotic literature and media, direct genital stimulation, and frequent masturbation but who were dissatisfied with their sexual responsiveness. The 3rd style, which included respondents most satisfied with their sexual responsiveness, was characterized by women who were more aware of physiological changes during sexual arousal and who enjoyed gently seductive erotic activities, breast stimulation and genital stimulation. Those women who were most highly satisfied with their sexual responsiveness experienced frequent intercourse and orgasm consistency, enjoyed gently seductive erotic activities and breast stimulation, but were unresponsive to erotic literature and media. Women who achieved orgasm most consistently were older, were more aware of physiological changes during sexual arousal, reported higher frequency of masturbation and

intercourse, and were less likely to be aroused by erotic preliminaries. Results are discussed within the context of the literature on the treatment and prevention of sexual dysfunction. (17 ref).

-Journal abstract

Hoon, P. W., Wincze, J. P., & Hoon, E. F. A test of reciprocal inhibition: Are anxiety and sexual arousal in women mutually inhibitory? *Journal of Abnormal Psychology*, 1977, 86, 65-74.

Tested J. Wolpe's (1958) prediction that autonomic sexual and anxiety arousal states are mutually inhibitory. Using a new physiological measure of female sexual arousal (vaginal blood volume), changes in 7 sexually experienced Ss (mean age 27 years) were compared during erotic video stimulation following anxiety and control stimulation following erotic stimulus preexposure. Consistent with reciprocal inhibition theory, when Ss were sexually aroused by erotic preexposure, anxiety arousal inhibited sexual arousal more rapidly than did an attention control stimulus. However, contrary to reciprocal inhibition theory, Ss became more rapidly aroused sexually following anxiety preexposure and during anxiety arousal following erotic and neutral preexposure. Consistent with the literature to date, there were no heart rate changes that could be attributed to differential preexposure. Taken together, the results do not support Wolpe's reciprocal inhibition theory but do suggest a context interpretation: The way in which sexual and anxiety arousal states interact with each other may depend on the context in which Ss perceive the stimuli that generate these respective arousal states. The clinical implications the findings are discussed. (27 ref).

-Journal abstract

Kohl, H. Pornography. Canadian Living, April, 1984.

Magazine article discussing the contemporary debate on the effects of pornography. Provides information for the lay reader by enumerating some key issues, major participants in the controversy, and sources for gathering further details.

-Summary abstract

Langevin, R. and Martin, M. Can erotic responses be classically conditioned?
Behaviour Therapy, 1975, 6, 350-355.

In 2 studies attempts were made to classically condition penile tumescence, using a total of 31 heterosexual males over 18 yrs of age. Study 1 employed 2 "intensities" of unconditioned stimulus (UCS) slides, and study 2 used movies. Number of conditioned responses (CRS) and their amplitude were recorded. In study 1 there was no effect of UCS intensity on either dependent variable. There was a significant effect for amplitude CR over conditioning trials in study 1 but not in study 2. Results were reversed for number of CRS. Results raise doubts as to whether penile tumescence can be classically conditioned. Since CR amplitude was unaffected by UCS intensity, the utility of such classical conditioning procedures in behaviour therapy for sexual problems would appear limited. (16 ref).

-Summary abstract

Langevin, R. and Stanford, A. The effect of relaxation instructions on erotic arousal in homosexual and heterosexual males. Behaviour Therapy, 1975, 6, 453-458.

Examined sexual arousal in 21 homosexual and 21 heterosexual males at least 18 yrs old under control and relaxation conditions. Ss were shown slides of males, females, and sexually neutral materials while penile circumference was monitored. Verbal ratings of physical sexual arousal and pleasantness were also recorded. Results show no significant difference for penile responses to the nonpreferred sex and neutral slides. However, both homosexual and heterosexual Ss responded significantly more to their preferred sex under the relaxation condition than the control condition. Verbal ratings of sexual arousal and pleasantness did not discriminate between relaxation and control conditions, but homosexual Ss ratings of sexual arousal were significantly larger for slides of males than females and, in turn, larger for slides of females than neutral slides. All their pleasantness ratings were positive. Heterosexual Ss found only slides of females sexually arousing and rated slides of males as unpleasant.

-Summary abstract

Lefave, M. K., & Neufeld, R. W. Effect of stimulus context and repeated aversive visual stimulation on the cardiac correlate of attention. Perceptual & Motor Skills, 1977, 44, 215-221.

Investigated cardiac deceleration responses to repeated presentations of an aversive visual stimulus (a slide of a mutilated homicide victim) as a function of interspersing presentations of different types of other provocative visual stimuli amidst the aversive stimulus. 30 male undergraduates were divided into 3 groups of 10 Ss each. The 1st group viewed the aversive stimulus randomly interspersed with presentations of female nudes (positive context); a 2nd group viewed the aversive stimulus amidst presentations of slides of skin-disease patients (negative context); and the 3rd group viewed the aversive slide surrounded by presentations of other male undergraduates (neutral context). After repeatedly viewing the single homicide victim slide, Ss viewed 5 different homicide scenes without contextual slides. These identical procedures were repeated during a 2nd experimental session... A significant Context X Sessions interaction reflected a decrement in cardiac deceleration over sessions for the positive context and an increase in deceleration from the 1st to the 2nd session for the negative context. The neutral context did not affect cardiac deceleration over sessions. The series of different homicide scenes elicited greater cardiac deceleration than repeated exposures to the same slide. Results are discussed in terms of the role of stimulus context in attention and vigilant-avoidant coping orientations.

-Journal abstract

Malamuth, Neil M. Rape proclivity among males. Journal of Social Issues, 1981, 37, 138-157.

A. Describes and integrates findings of previous studies that empirically address contentions that many 'normal' men possess a proclivity to rape. In these studies, an attempt was made to identify individuals with such a proclivity by asking male college students how likely they personally would be to rape if they could be assured of not being caught. On the average, about 35% indicated some likelihood of raping. To assess the validity of such reports as indicators of a proclivity to rape, the following 3 steps were taken in the present study: (1) The literature was reviewed to identify responses that distinguished convicted rapists from the general population. Responses found to characterize rapists were greater acceptance of rape myths and relatively high sexual arousal to rape depictions. (2) The relationships between reported likelihood of raping and the responses found to characterize rapists were analyzed. Data show that in comparison with men who reported lower likelihood of raping, men who indicated higher likelihood were more similar to convicted rapists both in beliefs in rape myths and in sexual arousal to rape depictions. (3) The relationship between likelihood of raping reports and aggressive behaviour was examined. It was found that higher reported likelihood of raping was associated with greater aggression against women within a laboratory. (52 ref)

-Journal abstract

B. It is often asserted by feminists that rape propensity is fairly common among men. A measure is proposed for rape proclivity based on reported likelihood of raping. Past research has found that rapists more often hold callous beliefs about rape, believe in rape myths, and are sexually aroused by depictions of rape. In addition, Ms with self-reported high likelihood of rape are more likely to exhibit callous attitudes and to believe in rape myths. Although varied responses can be obtained from the general populace for sexual arousal by rape depictions. In a test of hypotheses derived from this review, 42 M Coll students were asked to report their likelihood of raping, and then took part in an apparently separate experimental procedure assessing responses to being rejected and insulted by a woman. Reported high likelihood of rape as associated with aggressive responses. Possible causal factors underlying likelihood of rape are examined.

-Summary abstract

Malamuth, N. M. Rape fantasies as a function of exposure to violent sexual stimuli. Archives of Sexual Behaviour, 1981, 10, 33-47.

29 male college students, classified on the basis of questionnaire responses as sexually force-oriented or non-force-oriented, were randomly assigned to exposure to rape or mutually consenting versions of a slide-audio show. All Ss were then exposed to the same audio description of a rape read by a female. They were later asked to create their own fantasies. Penile tumescence and self-reports of arousal indicated that relatively high levels of sexual arousal were generated by all of the experimental stimuli. Sexual arousal during the fantasy period, assessed by means of self-reports, indicated that those who had been classified as force-oriented created more arousing fantasies after having been exposed to the rape version of the show, whereas those classified as non-force-oriented created more arousing fantasies following the mutually consenting version. Most significantly, those exposed to the rape version, irrespective of their sexual classification, created more violent sexual fantasies than those exposed to the mutually consenting version. (51 ref)

-Journal abstract

Malamuth, N. M. and Briere, J. Self-reported likelihood of sexually aggressive behaviour: Attitudinal versus sexual explanations. Journal of Research in Personality, 1983, 17, 315-323.

Compared the relative effectiveness of sexuality variables and attitudes hypothesized to be rape-supportive in the prediction of 'likelihood to rape' (LR) and 'likelihood to use sexual force' (LF) measures. 352 male undergraduates completed measures reflecting acceptance of interpersonal violence, adversarial sexual beliefs, beliefs in culturally transmitted 'rape myths', sexuality, and personal LR and LF. Results are inconsistent with viewing rape as primarily caused by sexual frustration or sexual maladjustment, since sexuality variables were generally not predictive of LF or LR. In contrast, a variety of rape-supportive attitudes and beliefs such as blaming the victim for her rape or viewing sexual violence as sexually arousing to women were successful predictors of both LF and LR. Data support theories of rape that consider cultural, socially transmitted attitudes about women and rape to be psychological releasers for sexual aggression. Findings also support the notion of an 'aggression toward women' continuum rather than a conceptualization of rape as a discrete, isolated phenomenon with its own determinants. (19 ref)

Malamuth, N. M., and Check, J. V. Sexual arousal to rape and consenting depictions: The importance of the woman's arousal. Journal of Abnormal Psychology, 1980, 89, 763-766.

143 male and female undergraduates were randomly assigned to read 1 of 8 versions of an erotic passage. The independent variables in the stories were nonconsent vs consent, woman's arousal vs disgust, and woman's pain vs no pain. Sex of S was the 4th independent variable. Data indicate that both in terms of experimentally manipulated variables and individual within-cell perceptual differences, the outcome dimension (arousal vs disgust) was the only variable that significantly affected Ss' sexual arousal. Portrayals that depicted the woman as experiencing sexual arousal, irrespective of whether they portrayed rape or consenting interactions, were reported by Ss to be more sexually stimulating than those depicting disgust. (12 ref)

-Summary abstract

Malamuth, N. M., and Check, J. V. Penile tumescence and perceptual responses to rape as a function of victims' perceived reactions. Journal of Applied Social Psychology, 1980, 10, 528-547.

In a study of 75 male undergraduates, a rape portrayal in which the assailant perceived that the victim became sexually aroused was found to result in high sexual arousal (as indicated by penile tumescence) in comparison to a rape emphasizing the victim's abhorrence of the assault. These differences appear to reconcile earlier conflicting data. It was also found that exposures that portrayed rape in a relatively negative or positive manner affected subsequent reactions to rape. More specifically, sexual responsiveness to rape was inhibited following an earlier exposure to a depiction emphasizing a rape victim's abhorrence, while undesirable cognitive perceptual changes occurred as a result of exposure to a rape depiction portraying the victim as sexually aroused. Further, self-reported possibility of engaging in rape was found to correlate with callous attitudes to rape and with self-reported sexual arousal to violent sexuality in a predicted pattern. (26 ref)

-Journal abstract

Malamuth, N. M. and Check, J. V. The effects of mass media exposure on acceptance of violence against women: A field experiment. Journal of Research in Personality, 1981, 15, 436-446.

271 undergraduates were randomly assigned to view, on 2 different evenings, either violent-sexual or control feature-length films. Students who had not signed up for the experiment were used as a comparison group. The dependent measures were acceptance of interpersonal violence against women, acceptance of rape myths, and beliefs in adversarial sexual relations as embedded within a Sexual Attitude Survey administered several days after exposure to the movies. Ss were not aware that there was any relationship between this survey and the viewing of the movies. Results indicate that exposure to violent-sexual films increased male Ss' acceptance of interpersonal violence against women. A similar nonsignificant trend was found on acceptance of rape myths. For females, there were nonsignificant tendencies in the opposite direction, with women exposed to the violent-sexual films tending to be less accepting of interpersonal violence and of rape myths than control Ss. An explanation of the data is presented on the basis of 'attitude polarization' and 'reactance' effects. Findings are discussed in terms of the type of stimuli used, 'dosage levels' of exposure, and the duration of effects in relation to a general social climate promoting a sexist ideology. (25 ref)

-Journal abstract

Malamuth, N. M. and Check, J. V. Sexual arousal to rape depictions: Individual differences. Journal of Abnormal Psychology, 1983, 92, 55-67.

145 male undergraduates participated (a) in an orientation session in which personality variables, sexual motivations, sexual experience, and self-reported likelihood of raping were assessed and (b) in a laboratory session in which they listened to 1 of 8 audiotaped depictions of an interaction involving sexual acts between a man and a woman. The content of these depictions was systematically manipulated along the dimensions of consent, pain, and outcome. Later in the 2nd session, Ss listened to a 2nd audiotaped portrayal of either nonconsenting or consenting sex. Their sexual arousal was assessed throughout this 2nd session by penile tumescence and self-reports. Results highlight the importance of the interaction between individual differences variables and manipulations in the content of the portrayals in affecting sexual arousal to rape depictions. Support was obtained for the prediction that such arousal is not an isolated response but is associated with other measures of sexually aggressive tendencies. (44 ref)

-Journal abstract

Malamuth, N. M., Feshbach, S., and Helm, M. Ethical issues and exposure to rape stimuli: A reply to Sherif. Journal of Personality and Social Psychology, 1980, 38, 413-415.

In response to the 3 ethical issues raised by C. Sherif (see PA, Vol 65:9162), the following arguments are made; (a) there is a need to measure the effectiveness of the authors' attempts to counteract possible undesirable effects of the research materials, (b) Sherif's criticisms of the author's alternative data interpretations are unfounded; and (c) Sherif's suggestion to formalize the process of having investigators consider the social policy implications of their research is wholeheartedly supported. (8 ref)

-Journal abstract

Malamuth, N. M., Feshbach, S., and Jaffe, Y. Sexual arousal and aggression: Recent experiments and theoretical issues. Journal of Social Issues, 1977, 33, 110-133.

Despite considerable theorizing, empirical research focusing on hypothesized links between sexual arousal and aggression has been slow to follow. Recent studies have found that under differing experimental conditions there are both mutually facilitative and inverse relationships between hostile and assertive aggression and placing emphasis on the role of discriminative inhibitory and disinhibitory cues. Some implications and possible applications of this model for human sexual behaviour are considered. (2½ p ref)

-Journal abstract

Malamuth, N. M., Haber, S., and Feshbach, S. Testing hypotheses regarding rape: Exposure to sexual violence, sex differences, and the 'normality' of rapists. Journal of Research in Personality, 1980, 14, 121-137.

After completing the Aggression-Anxiety Scale, 53 male and 38 female undergraduates were exposed to either a sadomasochistic or a nonviolent version of the same sexual passage and then to a portrayal of rape (text and photos). Responses to the rape showed interactions between gender and previous exposure: In comparison to males who had read the nonviolent version, males exposed to the sadomasochistic story were more sexually aroused to the rape depiction and more punitive toward the rapist, whereas females evidenced differences in the opposite direction. Simple effects

analyses for each gender, however, yielded significant differences for the punitive-ness measure only and for males only. In addressing the 2nd hypothesis, gender differences were found in the perception of rape. Third the assertion that rape may be an extension of normal sexual patterns was explored. Ss believed that a high percentage of men would rape if assured of not being punished and that a substantial percentage of women would enjoy being victimized. While both genders shared these beliefs, very few females believed that they personally would derive pleasure from victimization. Surprisingly, more than half of the males indicated some likelihood that they themselves would rape if assured of not being punished. (36 ref)

-Journal abstract

Malamuth, N. M., Helm, M., and Feshbach, S. Sexual responsiveness of college students to rape depictions: Inhibitory and disinhibitory effects. Journal of Personality and Social Psychology, 1980, 38, 399-408.

Conducted 2 experiments with a total of 436 undergraduates to identify the specific dimensions in portrayals of sexual violence that inhibit or disinhibit the sexual responsiveness of male and female college students. Exp I replicated earlier findings that normals are less sexually aroused by portrayals of sexual assault than by depictions of mutually consenting sex. In Exp II, it was shown that portraying the rape victim as experiencing an involuntary orgasm disinhibited Ss' sexual responsiveness and resulted in mutually consenting sex. Surprisingly, however, it was found that although female Ss were most aroused when the rape victim was portrayed as experiencing an orgasm and no pain, males were most aroused when the victim experienced an orgasm and pain. The relevance of these data to pornography and to the common belief among rapists that their victims derive pleasure from being assaulted is discussed. Misattribution, identification, and power explanations of the findings are also discussed. Finally, it is suggested that arousing stimuli that fuse sexuality and violence may have antisocial effects. (37 ref)

-Journal abstract

Malamuth, N., and Spinner, B. A longitudinal content analysis of sexual violence in the best-selling erotic magazines. Journal of Sex Research, 1980, 16, 226-237.

In light of theoretical and empirical suggestions that mass media violent erotica

may have antisocial effects, a content analysis was performed to ascertain the amount of sexual violence in the pictorials and cartoons of all issues of Playboy and Penthouse magazines from Jan 1973 through Dec 1977. While the two raters, a male and a female, showed relatively high reliability in their ratings of sexual violence in the pictorial stimuli, less agreement was found on cartoon stimuli. Pictorial violent sexuality was found to increase significantly, although even by 1977 only about 5% of the pictorials were rated as sexually violent. No significant changes in the percent of sexually violent cartoons were found, but Penthouse had a greater percent of such cartoons than Playboy (approximately 13% versus 6%). The results are discussed in the context of empirical research in the area and the possibility that sexually violent stimuli may contribute to a 'cultural climate' promoting a sexist ideology.

-Summary abstract

McCormack, T. Machismo in media research: A critical review of research on violence and pornography. Social Problems, 1978, 25, 544-555.

A. Two areas of media research, pornography and violence, are examined with a view to accounting for their discrepant findings (i.e., the effects of pornography are innocuous while those of violence are serious and warrant censorship). Both sets of research are characterized by sexist biases in the way problems are conceptualized and in their research designs. Further research on machismo is proposed, similar to F scale research which also looked for unifying dimensions behind apparent contradictions. (2¾ p ref)

B. Concepts of machismo and sexism embodied in research on pornography and media violence are examined from the perspective of a conflict model and reference group theory. The focus of the article is on investigations of the national commission on the cause and prevention of violence, the commission on obscenity and pornography, and the surgeon general's report on television and social behaviour. Machismo refers to an attitude of male pride in sexual virility, a form of narcissism that condones the sexual use and abuse of women and (in the extreme) violence as a dimension of sexual gratification. Sexism implies attitudes and social practices based on the assumption that sexual inequality is a natural, biological, universal phenomenon rather than a social and historical one. While machismo tends to be motivational and related specifically to sexual relationships, sexism tends to be institutional

and a form of structural inequity linked to discrimination against disadvantaged groups. Studies of pornography and media violence have been dominated by controversy over the catharsis hypothesis. This hypothesis states that fantasy, dreams, and jokes reveal the true wishes of individuals that are, in turn, based on instincts sublimated for the sake of peace and social order. Although studies of media violence have generally failed to support the catharsis hypothesis, pornography studies are in the opposite direction. The humiliation of women and insecurity about sexual identity are consistent with conclusions emerging from research. The two major conclusions involve condoning pornography as an innocent pleasure with no serious social consequences and condemning violence as leading to senseless and brutal acts in daily life. Reference group theory is one explanation of the differential treatment of pornography and violence. It postulates that perceptions of and responses to inequality in life are structured by positions in the social structure. Studies of pornography and violence are listed in tables.

Summary abstract

McCormack, T. Feminism, censorship, and sadomasochistic pornography. Studies in Communications, 1980, 1, 37-61.

Forms of censorship and attitudes toward them illustrated by the emergence of the New Left in the 1960's and early 1970's are reviewed; the way pornography was integrated into New Left rhetoric is discussed and contrasted to pornographic expression as a function of affluent capitalist social class. Yet while the New Left may have been paying tribute to the function of eroticism in a (preferably) socialist society, the increase in both hard- and soft-core pornography brought about by the New Left movement was certain, and stimulated both conservative and feminist protest. Psychoanalytical, sociological, and humanist-psychological positions on sadomasochism are described, and a feminist aesthetic based in both the humanities and social sciences is proposed.

-Summary abstract

Organized Crime in British Columbia (Canada): Third Findings Report.

Discusses the activities of organized crime in British Columbia, including involvement with pornography.

-Summary abstract

Quinsey, V. L., Chaplin, T. C. & Carrigan, W. F. Sexual preferences among incestuous and non-incestuous child molesters. Behaviour Therapy, 1979, 10, 562-565

The sexual age preferences of incestuous and nonincestuous child molesters (average age 28 years) were examined using a circumferential measure of their penile responses to slides of persons varying in age 18-30, 11-13 and 5-10 yrs and younger than 5 years) and sex. Each incestuous child molester was matched with a non-incestuous child molester according to his age at testing and victim ages. Child molesters with daughter or stepdaughter victims (9 Ss) showed more appropriate age preferences than control Ss with unrelated child victims. Child molesters with other female relatives as victims (7 Ss) exhibited a nonsignificant trend toward more appropriate age preferences than their controls. Inappropriate sexual age preferences appear to be less important among men who choose daughter victims than men who choose unrelated victims. (3 ref)

-Journal abstract

Rico, J. M. Decriminalization - The Canadian Example. Capitulo Criminologico, 1977, 5, 95-107

Canada's solution to a crisis in the administration of criminal justice (caused by unmanageable caseloads) consists of the decriminalization, depenalization, and dejudicialization of certain acts. The article begins with a restatement of the criminalization criteria which legislators should bear in mind when adding new offenses to the existing criminal codes (e.g., objective legal considerations rather than personal moral convictions, avoidance of additions that would go beyond the capabilities of the panel justice system, and refraining from using criminalization as a problemsolving device). A list of types of behaviour that should not be criminalized and those that should be decriminalized includes behaviour occurring among the socially handicapped or marginal groups. Acts usually not reported to the police, and acts committed only in situations of extreme physical or moral distress. Types of conduct which are morally objectionable rather than criminal, such as homosexuality, prostitution, pornography; antisocial behaviour such as begging, vagrancy and drug use; traffic-related offenses; and some forms of property crimes involving only the transfer of social costs (e.g. vehicled theft and bank robbery) should also be decriminalized by depenalization. Canada is currently introducing criminal law reforms aimed at depenalizing acts which do not threaten society, or which can be handled with alternatives to institutionalization. Canada formed a law reform committee, which in 1975 published a law reform model emphasizing 'dejudicialization' (i.e., judicial diversion) of many criminalized minor offenses. The objective of the proposed reform was to keep as many individuals as possible out of the criminal justice system. Dejudicialization, or discretionary decisions involving nonjudicial case handling could be implemented by the community at large, by the police, the prosecutors, and the trial judges. A special Canadian decriminalization project involving juvenile offenders relies chiefly on including consideration of offenders personal characteristics, family and social environment, life history, and the availability of alternatives to institutionalization in the community and to decide whether or not to bring the case to court. However, such decriminalization projects have been hastily conceived, without sufficient advance planning of the alternative measures supposed of replace court proceedings. Also, the implementation of these measures has remained with judicial agencies. In Spanish.

-Summary Abstract

Turnbull, D. And Brown, M. Attitudes toward homosexuality and male and female reactions to homosexual and heterosexual slides. Canadian Journal of Behavioural Sciences, 1977, 9, 68-80.

Previous Canadian & other studies have found greater disapproval of homosexuality in those who also disapprove of other sexual practices. An extension of this research is attempted examining attitudes to male & female homosexuality separately, comparing samples of students from Ontario & Saskatchewan, & using slides rather than questionnaires. Thirty-four males and thirty-one females ages seventeen to twenty-four enrolled at the University of Saskatchewan are compared to an Ontario sample previously studied by J. Dunbar, M. Brown, and D. M. Amoroso ("Some Correlates of Attitudes towards Homosexuality," Journal of Social Psychology, 1973, 89, 271-279). Subjects were shown nineteen slides to be rated on eight semantic differential scales and were given Likert-type scales dealing with attitudes toward homosexuality, toward lesbianism, and toward sexual freedom. Attitudes toward male and female homosexuality are highly correlated, making possible their incorporation into a single scale of opposition to homosexuality. Relative ratings of the slides were similar for all groups however, antihomosexual subjects rated slides as more pornographic and evaluated them more negatively than others. Females rated slides more negatively than did males, while males rated all but male themes as more sexually arousing than females rated them. Males were more negative toward depictions of males than toward depictions of females, while females showed no such difference. Attitudes toward homosexuality are much more negative than for the Ontario sample. 3 Tables.

-Summary abstract -

Welsh, T. E. Organized crime committee. Canadian Police Chief, 1980, 69, 46-47.

The 1979 report of Canada's Organized Crime Committee is presented. The activities of organized crime in the areas of prostitution, pornography, loansharking, gambling and bookmaking, counterfeit, fraud, and customs and excise are discussed.

-Summary abstract

SECTION II:

INTERNATIONAL STUDIES

Abel, G. G., Blanchard, E. B. Barlow, D. H. and Mavissakalian, M. Identifying specific erotic cues in sexual deviations by audiotaped descriptions. Journal of Applied Behaviour Analysis, 1975, 8, 247-260

Describes the use of audiotaped descriptions of sexual experiences and a direct measure of penile erection to specify more precisely erotic cues in sexual deviates. Results indicate that such cues are highly idiosyncratic. 3 case histories and the tapes used in treatment are included. Some tentative conclusions and suggested applications for the method are discussed. (20 ref)

-Summary abstract

Abel, G. Evaluation and Treating Rapists and Child Molesters: Current Status. Washington, D. C.: United States Congress House Committee on Science and Technology, 1978.

Major advances in the treatment of rapists and child molesters as well as those impediments that interfere with implementing treatment for offenders are identified in testimony before the House Subcommittee. Fifty-five thousand rapes are reported yearly in the United States: an estimated 2.2 rapes are committed for each 1 reported. When incarceration does follow conviction, the recidivism rate remains quite high (i.e., 22 to 36 percent 5 years after release). Rapes are committed by a heterogeneous group of offenders. Some are the result of sociocultural influences, others are due to specific psychological conflicts. Physiologic means have been used to evaluate the erotic preferences of rapists. Rapists and nonrapists appear to show similar erection responses to explicit descriptions of mutually enjoyable consenting intercourse, however, they differ in their erections to description of rape scenes. Also, there is a strong correlation between rape indices and the rapist's likelihood of having injured his victims during the act of rape. Physiological measures can accurately identify the sadist or sadistic rapist and pinpoint those rapists likely to select the more vulnerable victim, the very old or very young. These physiologic measurements are capable of providing previously unknown and significant information regarding the rapist's characteristics. Some successful treatment methods include decreasing excessive arousal to rape or molesting children; increasing arousal to appropriate partners; and developing heterosocial, assertive, or empathetic skills. What is needed is the treatment vehicle for applying these techniques to both incarcerated and nonincarcerated aggressives.

-Summary abstract

Abel, G. G., Barlow, D. H., Blanchard, E. B. & Guild, D. The components of rapists sexual arousal. Archives of General Psychiatry, 1977. 34, 895-903.

Three studies measured the erections of 13 14-51 yr old rapists and 7 20-30 yr old nonrapists during audio descriptions of rape and nonrape sexual scenes. All Ss were referred for evaluation because of deviant sexual arousal (either rape or some other sexual deviation).. On the basis of their erection measures, rapists developed erections to rape descriptions while nonrapists did not (Study 1). The method also discriminated those rapists with the highest frequency of rape, those who had injured their victim, and those who chose children as victims. Erection to aggressive descriptions was directly related to erection to rape descriptions (Study 2). Individual data for 3 rapists reporting preferences for young girls show that their erection responses increased as the victim's age decreased. (Study 3) (26 ref)

-Journal abstract

Abel, G. G., Blanchard, E. G., & Barlow, D. H. Measurement of sexual arousal in several paraphilias: The effects of stimulus modality, instructional set and stimulus content on the objective. Behaviour Research & Therapy, 1981, 19, 25-33.

Determined the effects of instructional set (become aroused or suppress arousal), stimulus modality (videotape, audiotape, slides, free fantasy), and deviant or nondeviant (i.e., paraphilic or nonparaphilic) stimulus content on sexual arousal (measured by penile plethysmograph) of 6 different groups of paraphilics - pedophilics, rapists, exhibitionists, homosexuals, sado-masochists and fetishists. Results from 48 males (ages 16-52 yrs) show significant main effects of instructional set and stimulus modality (videotape was more arousing), as well as several complex interactions of diagnostic group with the other independent variables. (22 ref)

-Journal abstract

Abraham, S., Hill, B., Orlofsky, S., Sass, L. A. (Eds.). Pornography, Obscenity and the Law. New York: Facts on File, Inc., 1980.

This book traces the growth of pornography in the U.S., with emphasis on the legal background and changing judicial interpretations of constitutional guarantees affecting pornography and obscenity. It is intended as a balanced and accurate reference tool. It describes early concern with obscenity as well as Supreme Court decisions starting in 1957, which gradually eased restrictions on pornography.

Exceptions regarding children and the right to privacy and reliance on local standards are also discussed. The role of organized crime and the lack of research support for the hypothesis that pornography is a cause of sex crime are next considered. A controversy surrounding the recent pornography commission's report and control efforts concerning motion pictures, live theater, broadcasting, obscenity in the mail, and child pornography. The largest section of the book is devoted to descriptions of significant court decisions concerning books, films, and broadcasts. Cases include the finding that 'Ulysses' was not obscene, the reversal of the ban on the film 'Lady Chatterley's Lover'; and the Ginsberg case. A list of cases abridged or cited and an index are included.

-Summary abstract

Abramson, P. R., Repczynski, C. A., & Merrill, L. R. The menstrual cycle and response to erotic literature. Journal of Consulting and Clinical Psychology, 1976, 44, 1018-1019.

133 undergraduate females responded to a pre-experimental questionnaire assessing their contraceptive use (28% on contraceptive pills), sexual experience (71% had had sexual intercourse), and present phase of menstrual cycle. Ss then read an erotic story intended to induce sexual arousal. Results of a self-report post-experimental questionnaire assessing sexual arousal and genital stimulation show no significant response differences based on menstrual cycle phases for Ss not using contraceptive pills. Greatest degree of arousal and sensation was experienced by Ss on contraceptive pills who were in the menstrual phase of the cycle. Least arousal and sensation was experienced by Ss on contraceptive pills who were in the premenstrual phase of the cycle.

-Summary abstract

Abramson, P. R. Ethical Requirements for Research on Human Sexual Behaviour: From the Perspective of Participating Subjects. The Journal of Social Issues, 1977, 33, 184-192.

Procedures representative of published research on human sexual behaviour were utilized as a means of establishing a direct approach (via a postexperimental questionnaire) to generalize about ethical standards for this area of investigation. The 40 females and 40 males (undergraduates in psychology at the University of Connecticut) who volunteered (as part of their introductory psychology requirement)

to participate anonymously in this investigation completed a questionnaire concerning past sexual experiences, a personality measure of sexual attitudes; read an erotic story and rated their arousal to the story; were observed in a waiting room containing sexually explicit magazines; responded to double entendre words; and were tested for retention of information on reproductive biology. Subjects were provided with detailed, personally oriented debriefing session. The post-experimental questionnaire, which was completed following the debriefing, indicated that subjects viewed their participation as constructive and void of negative aftereffects.

-Summary abstract

Abramson, P. R. & Mosher, D. L. An empirical investigation of experimentally induced masturbatory fantasies. Archives of Sexual Behaviour, 1979, 8, 27-39.

96 male and 102 female undergraduates were requested to construct a story using the film of either a male or a female masturbating to orgasm as the eliciting stimulus. Results indicate that there were many sex differences in masturbatory fantasies, which are most likely a consequence of the differential ability of males and females to form a positive projection identification with the same-sex protagonist in which the 2 sexes assimilate masturbation into a larger set of social meanings. Findings also attest to the ability of sex guilt and negative attitudes toward masturbation to account for the variability in masturbatory fantasies in a theoretically consistent and reliable manner. (28 ref)

-Journal abstract

Abramson, P. R. et al. Negative attitudes toward masturbation and pelvic vasocongestion: A thermographic analysis. Journal of Research & Personality, 1981, 15, 497-509.

37 female and 32 male college students completed the Mosher Negative Attitudes Toward Masturbation Scale and were randomly assigned to a sexual arousal, emotional arousal, or a standing control condition. Pelvic vasocongestion was measured thermographically which is a noninvasive means of detecting and photographing individual heat patterns to indicate physiological condition and functional changes. Results indicate that women with positive attitudes toward masturbation who read

an erotic story experienced the greatest increase in pelvic vasocongestion. Findings are discussed in terms of masturbation acting to facilitate the patterning of sexual arousal and orgasmic functioning, especially in regard to creating the capacity for pelvic engorgement. (38 ref)

-Journal abstract

Agrawal, K. G. Obscene in erotica: A study in affective meanings. Manas, 1977, 24, 51-63.

Explored the factors in 47 Ss' responses to sexual stories. An adapted version of the Public Opinion Inventory was administered to assess Radicalism-Conservatism. Ss then rated 10 sexually related concepts, 5 short stories classified as erotic realism, and 5 short stories classified as hard-core obscenity, on 24 semantic differential scales. Factor analysis of the concepts and stories combined showed Evaluation, Activity, and Potency factors that accounted for 61.5, 12.1 and 8.1% of the common variance, respectively, 12 of the concept ratings and 13 of the story ratings of Ss above 30 yrs of age differed significantly from those of Ss 30 yrs of age or younger. 72 significant differences were found between the ratings of Ss classified as conservative and Ss classified as radical. Rating differences related to occupation and socioeconomic status also are specified. Results support a distinction between obscenity and sexuality: Obscenity is an evaluative function, whereas sexuality or eroticism is an activity function. Conservatives tended to confuse obscenity and sexuality regarding sexual literature as pornographic.

-Summary abstract

Alford, G. S., Webster, J. S., & Sanders, S. H. Covert aversion of two interrelated deviant sexual practices: Obscene phone calling and exhibitionism: A single case analysis. Behaviour Therapy, 1980, 11, 15-25.

Studied the interrelationship among 3 distinct sexual behaviour and arousal patterns (obscene phone calling, exhibitionism, and heterosexual arousal) in a 21-yr-old married male. A multiple baseline design was used to evaluate the effects of covert sensitization on the 2 deviant patterns. Physiological and self-report of arousal to all 3 classes of sexual stimuli were taken throughout treatment, after discharge, and at 10-month follow-up. Results indicate that covert sensitization for obscene

phone calling partially diminished arousal to the exhibitionistic stimuli as well. When both deviant behaviours were treated, rapid and stable reductions in both physiological and self-report measures of deviant arousal were obtained. While treatment gains were sustained during a 10-month follow-up period during which collateral reports revealed no other evidence of relapse. Additional findings include heart rate-penile tumescence changes consistent with an autonomic conditioning component model of covert sensitization. (14 ref)

-Summary abstract

Annant, V. A woman's own world. New Society, 1976, 35, 12-14

Contemporary myths and taboos in pop fiction were compared with those analyzed in 1958 by another examination of 26 random issues of Woman's Own (A weekly magazine edited by women for women) published in 1974 and 1975. Courtship taboos in 1958 included foreigners, divorced men and women and Americans. Contemporary myths emphasize the unpredictability of romantic settings and women are portrayed as "willing to take a risk", but domestic themes still remain in the background; the romantic situation may be more exotic, but eventually domesticity wins. F heroines are older, live in small flats, and have apparently arrived at middle class status. Jobs have changed; men were once portrayed as junior advertising executives, but now are teachers, solicitors, and writers. Women hold undefined office jobs. A woman's 1st sexual experience is no longer a suitable subject; it is assumed to have already taken place. Student romances did not appear in 1958, but are in fashion now. Taboos and eating habits have changed. Male-female distinctions in material possessions are sharply drawn. An allegorical story is occasionally published. Stories with London backgrounds predominate, but mention of religion, politics, homosexuality, pornographic films, sex shons, gambling and even pubs has disappeared.

-Summary abstract

Anasagasti, E., Basurta, N., Miranda, F., & Mur, P. Preliminary notes and initial catalog for the study of the photo-novel in Spain. Cuadernos de Realidades Sociales, 1977, 13, 93-104

Originating in Italy after World War II, the photo-novel was most popular in

predominantly Catholic countries in Europe and Latin America. Originally, stills from exciting movie scenes were used with written dialogue. Later, some editors began to use cinematography to create original photo-novels. The growth of this type of publication in Spain, around 1965, coincided with the incorporation of a large number of women into the labor market. These women underwent changes in their aspirations and their lives, and around 1968, the growth became an avalanche. The social-psychological importance of the photo-novel for the sublimation of ungratified desires, dreams, and aspirations, particularly for women, is discussed. Photo-novels follow a predictable sequence-introduction, conflicts and resolution. Themes tend to center on romantic love, which is depicted as spiritual in the text, although the pictures are realistic and concrete. Women are depicted as provocative, erotic objects, reclining on couches in transparent gowns; they usually are nurses, secretaries, or servants, whose conflicts are often resolved by marriage with a man from the petite bourgeoisie. A tabulation of the major series of Spanish photo-novels is included.

-Summary abstract

Anson, R. S. Last Porno Show, In: Schultz, L. G. (Ed) Sexual Victimology of Youth, Springfield, Illinois: Charles C. Thomas, 1980.

The recruitment of minors for pornographic films is discussed along with other aspects of the use of children and adolescents in pornographic film production. The explosive growth of 'kiddie porn' is examined in this narrative expose of sexual abuse and sexual exploitation of children by their own parents and by other adults. Children as young as 3 years old have appeared in pornographic films depicting sexual relations and encounters with adults. These films are extremely profitable for the producers and distributors. With yearly profits of over \$10 million. Because initial investment costs are very low. Numerous people become involved in the industry as a means of earning extra money. Parents make their children perform in these films. As well as pose for pornographic magazines. To bring in extra income, but many children unwittingly become involved, as in the case of a friendly suburban couple who sheltered runaways and who then charged them 'rent' in the form of having them appear in pornographic films. A supreme court decision which left obscenity standards up to individual communities has substantially increased the proliferation of 'kiddie porn' in films and magazines. A special investigative unit in Los Angeles was organized to deal with the pornographic problem in that community. The traffic in child pornography must be stopped

because what may appear to be harmless 'fun' to some purchasers of child pornographic material often leads to traumatic, physical abuse for the children involved, and has led to the deaths of at least 18 boys in the Los Angeles area. The article graphically describes the adult perversions to which the child pornography business, particularly films, directs itself. No references are included.

-Summary abstract

Antell, M. J., & Goldberger, L. The effects of subliminally presented sexual and aggressive stimuli on literary creativity. Psychological Research Bulletin, 1978, 18.

Examined the effect of the subliminal activation of sexual and aggressive drive derivatives on creative functioning. 30 creative and 30 noncreative undergraduates were measured on 2 creative tasks after neutral tachistoscopic stimulation and then, according to condition, after either sexual, aggressive, or again neutral stimulation. Each S got all 3 conditions in counterbalanced order. Results were as follows: (a) On the Remote Associates Test, creative and noncreative groups did not differ on the baseline measurement. Collapsing the groups, the results show that drive activation did facilitate creativity and that sexual activation was superior in this facilitation to aggressive activation. (b) In a task composing metaphors, drive activation proved disruptive to performance. Aggressive activation was more disruptive than sexual stimulation. The noncreative group was more vulnerable to such disruption than the creative group. (23 ref)

-Journal abstract

Anthony, C. Decriminalization. Paper presented at the National Seminar on Criminology, Panama City, 1978.

Changes in societal and cultural values require new criminological policies including law reform and criminalization and decriminalization of various types of behaviour, such as use of pornography, are discussed.

-Summary abstract

Backer, D. Advice on Counselling a rape victim. Practical Psychology for Physicians, 1975, 2, 34-39.

Rape is not always merely a sexual act; in many cases, rapists do not even enjoy their crime. They get something other than erotic pleasure from the commission of rape, such as a sense of superiority, the assertion of their rights of pillage, and the simple reduction of another person to a 'thing'. It is very often rage and not lust that drives a man to violate a woman. Rape is a social disease and has both medical and psychological implications. The role of rape, separate violation by rape from normal sex, encourage a woman to see that rape is a crime of violence and not an affirmation of 'natural' roles between aggressive men and submissive women. Remove the sense of guilt most women have after being raped, and see rape victims at crucial stages in their ordeal.

Bahlmann, D. W., & Thomas, H. Children and Youths as Victims of Violence (from Sixth National Conference on Juvenile Justice, 1979). Reno, Nevada: National Council of Juvenile and Family Court Judges, University of Nevada, 1979.

The commander of the youth division of the Chicago Police Department focuses on Child pornography. Including parents taking pictures of their own children as well as large-scale pornographic organizations.

-Summary abstract

Baker, C. D. Comment - Preying on playgrounds: The sexexploitations of children in pornography and prostitution. Pepperdine Law Review, 1978, 5, 809-846.

Child pornography is a rapidly growing industry grossing a half billion dollars annually. The industry and its victims are described and proposed legislation and judicial decisions affecting the industry are discussed. It is estimated that 30,000 juveniles, of which 3,000 are under the age of 14, are involved in child pornography in Los Angeles. Calif., the major center of the child pornography industry in the U. S. Several authorities have found a close relationship between child pornography and the practice of child prostitution. The sexually exploited child is often a runaway or the child in a broken home, between the ages of 8 and 17, and an underachiever in school or at home. The child has no strong moral or

religious affiliation, suffers from poor social development, and has parents that are absent either physically or psychologically. Present legislation prohibiting the distribution of obscene materials is inadequate to combat child pornography. Child welfare provisions in state education laws often regulate the employment of children in sexual activities, but they are either nonapplicable when the child is working for a parent or the penalties are so limited that they pose no deterrent. State statutes covering sex crimes are insufficient to prosecute child pornography cases, and the abused children are difficult to identify. Proposed legislation directed at child exploitation and distribution of child-pornographic materials is reviewed, as well as judicial decisions in this area. Most of the legislation is flawed because it conflicts with the first amendment and because the area of parental criminal responsibility in child pornography is unclear. Production of child pornography must be controlled through strong child abuse laws and the market must be discouraged through effective legislation that offers harsh penalties for materials depicting children in any sexually explicit manner.

-Summary abstract

Barlow, D. H., Sakheim, D. K., & Beck, J. G. Anxiety increases sexual arousal. Journal of Abnormal Psychology, 1983, 92, 49-54.

12 21-30 yr old males who were trained to expect tolerance-level electric shocks viewed an erotic film under 3 counterbalanced conditions. In 1 condition, Ss viewed the erotic film in conjunction with a signal light indicating threat of shock. A 2nd light indicated threat of shock if Ss did not achieve an erection of a certain size. A 3rd light indicated no shock. Both anxiety-inducing shock-threat conditions increased penile size response over and above the no-shock-threat condition. Furthermore, shock threat contingent on size of erection produced more arousal than noncontingent-shock threat. (22 ref)

-Journal abstract

Baron, R. A., & Bell, P. A. Sexual arousal and aggression by males: Effects of type of erotic stimuli and prior provocation. Journal of Personality & Social Psychology, 1977, 35, 79-87

85 undergraduate males participated in an experiment designed to investigate the

impact of various types of erotic stimuli on aggression. On the basis of previous research, it was hypothesized that exposure to mild erotic stimuli would tend to inhibit subsequent aggression, while exposure to more arousing stimuli of this type would facilitate such behaviour. In order to examine this hypothesis, Ss were first angered or treated in a more neutral manner by a confederate of the E and then provided with an opportunity to aggress against this person by means of electric shock. Before aggressing, Ss were exposed to 1 or 5 different types of stimuli: nonerotic pictures of furniture, scenery, and abstract art; pictures of seminude females; pictures of nude females, pictures of couples engaged in various acts of lovemaking; or explicit erotic passages. Results offer partial support for the major hypothesis. Exposure to mild erotic stimuli inhibited later aggression, while exposure to more arousing sexual materials neither facilitated nor inhibited such behaviour. (22 ref)

-Journal abstract

Baron R. A Heightened sexual arousal and physical aggression: An extension to females. Journal of Research in Personality, 1979, 13, 91-102. .

To examine the effects of heightened sexual arousal upon aggression by females, 45 female undergraduates were first angered or not angered by a female confederate next exposed to 1 or 4 types of stimuli (nonerotic scenes, pictures of seminude young males, pictures of nude males, or pictures of couples engaged in various acts of lovemaking), and finally provided with an opportunity to aggress against the confederate by means of electric shock. In accordance with previous research conducted with males, it was hypothesized that exposure to mild erotic stimuli would inhibit subsequent aggression, while exposure to more arousing stimuli of this type would facilitate such behaviour. Results offer support for both predictions. In addition, it was found that females responded with increased aggression to types of erotic stimuli previously found to inhibit such behaviour by males. (18 ref)

-Journal abstract

Barr, R., & Blaszczynski, A. Autonomic responses of transsexual and homosexual males to erotic film sequences. Archives of Sexual Behaviour, 1976, 5, 211-222.

Studied penile volume and GSR's to nude female and male film sequences in 40 transsexual patients (mean age, 26.1 yrs), 44 patients (mean age, 29.0 yrs) requesting

treatment for homosexual impulses, and 60 heterosexual students (mean age, 19.4 yrs). Student controls and homosexuals showed significantly greater GSR's to the preferred than to the nonpreferred sex. Transsexuals tended to show larger GSR's to females than did male homosexuals. No strong relationships were found between penile volume and GSR's to the preferred sex. It is concluded that transsexual patients differ significantly from homosexual patients in autonomic responsivity, and this finding may have diagnostic usefulness.

-Journal abstract

Benjamin, J. The bonds of love: Rational violence and erotic domination.
Feminist Studies, 1980, 6, 144-174.

Examined are psychological concerns involved in erotic domination and sadomasochistic patterns, using Pauline Reage's *The Story of O* (d'Estree, S. Tr, New York: Grove Press, 1965) in conjunction with Hegelian precepts. Three issues pertaining to the differentiation conflict of early childhood are addressed: (1) differentiation patterns developed in early mother-child relationships that tend to appear in later forms of domination (i.e. erotic domination) (2) the development of gender-specific behaviour modes and their influence on later role behaviour; and (3) the relationship between male differentiation, rationality, and sadomasochism. Hegel's analysis of dependency in a master-slave relationship is a primary theme.

Berger, F. R. Pornography, Sex and Censorship. Social Theory and Practice, 1977, 4, 183-209.

Concern here is with arguments that have been given for censoring pornography. Rather than arguing against censorship on grounds which appeal to constitutional issues such as free speech, an attempt is made to rebut the charges of critics against pornography itself. An influential set of criticisms is considered, as given by G. Steiner, I. Kristol, W. Berns, and E. van den Haag. These critics hold that because of its nature, and its view of sexual relations, dissemination of pornography will result in altering attitudes toward sex and to one another in ways that are extremely harmful to society. These arguments reflect views concerning sex that are rejected by many persons. Two alternative conceptions are explored that would be compatible with the acceptance of pornography, but which need not have the dire consequences feared by the critics. Though some critical points are accepted, most points against pornography are false, and a case for censorship has not been made.

Bergman, J. The influence of pornography on sexual development: Three case histories. Family Therapy, 1982, 263-269.

Presents 3 case histories and 1 clinical vignette to illustrate how physical objects (i.e., pornographic material) can develop into a locus of sexual attraction or cause sexual excitement and replace another individual. It is suggested that many males with this pornographic fetish do not seek therapy because they satisfy their sexual needs through masturbation and by using photographs as their main sexual stimulus. (4 ref)

-Summary abstract

Berkowitz, L. Sex and violence: We can't have it both ways. Psychology Today, December, 1971.

Discusses the apparent inconsistencies arising out of the reports of two U. S.. Presidential Commissions: Pornography and Media Violence. Suggests that this appears incompatible and much can be learned from the findings and conclusions of the respective bodies of knowledge on which they were based.

-Summary abstract

Berkowitz, L., and Edfeldt, A. W. Report from a media violence symposium in Stockholm April 25, 1974. Stockholm, University of Stockholm, 1974.

Briefly overview the research of the past 40 yrs on the effects of media violence and the influence that this research has had especially in the U. S. on TV programming. Several theories concerning the effects of media violence are examined.

Bland R., Wallis, R. Comment on Wilson and Zurcher's "Status Inconsistency and Participation in Social Movements". The Sociological Quarterly, 1977, 18, 426-429.

K. L. Wilson and L. A. Zurcher (see 1019/17948) have argued that status inconsistency among income, occupation and education is related to activity in antipornography crusades. Some of the numerical results presented are not significant, though claimed to be so. A model not involving interactions of any two status variables with pornography, and not involving income at all, fits the data well.

No justification is given for regarding the data collected as reflecting either experimental or statistical status inconsistency. No data on experienced status discontent were gathered, casting doubt on the use of such discontent to explain activism. What is actually involved appears to be cultural rather than status threats. In Status Inconsistency and Participation in Social Movements: A Rejoinder to Bland and Wallis' Comments, Kenneth L. Wilson and Louis A. Zurcher (University of South Carolina, Columbia and University of Texas, Austin) point out that their paper did not present a model, but only an analysis of activism. Cultural defense, understood as lifestyle defense, can be seen as part of status defense. The significant findings presented were correct and had been validated by multiple regression analysis, which showed an increase in variance explained by adding three-way interaction which was significant at the .05 level.

-Summary abstract

Blumstein, P. W., and Schwartz, P. Bisexuality: Some Social Psychological Issues. The Journal of Social Issues, 1977, 33, 30-45.

An overview is presented of an interview study with 156 men and women have a history of more than incidental sexual experience with both men and women. The interviews were conducted in Seattle, New York, Berkeley, San Francisco and a few other locations between 1973 and 1975. The respondents ranged in age from nineteen to sixty-two and reflected a broad spectrum of occupations, educational levels, and sexual histories. The findings of the study address the following questions: How does bisexuality fit into the erotic careers of respondents? What circumstances are conducive to the development of bisexuality in individuals? What factors contribute to the adoption of bisexual self-identification? What are the differences between the processes of becoming a bisexual female and becoming a bisexual male? Data from other studies that point to the existence of bisexuality are reviewed and suggestions are made about why bisexuality has not been incorporated into scientific thinking about sexuality.

-Summary abstract

Bordner, D. C., and Herrman, M. S. Perceived Obscenity in a Southern Community. Southern Sociological Society (SSS), 1979.

Explicit portrayal of sex in public media in the United States is not new, but judicial control of pornography began to change after World War II. Beginning with the Roth decision in 1957 and the Fanny Hill decision in 1966, materials were negatively sanctioned if they appealed to prurient interests in sex, if they could not be supported on artistic merit, if there was no redeeming social value, with regard to the depiction of sex. In these early decisions, community standards applied to a national consensus. In 1973, the Kaplan and Paris Adult Theatre 1 cases allowed local legislative bodies to set community standards. Empirical evidence negates the existence of national community standards with regard to depictions of sex in the media. Described are local community standards. Based on a sample of 750 residents of the Northern Federal District of Ga, the descriptions include: (1) attitudes toward the right of public access and (2) the right to distribute obscene materials. Demographic characteristics, liberal-conservative attitudes and locus of control are used to analyze attitudes toward access and distribution and to test for patterns of consensus.

-Summary abstract

Bosmajian, H. A. Obscenity, Sexism and Freedom of Speech. College English, 1978, 39, 812-819.

While some United States Supreme Court Justices and a Presidential Commission have taken the position that an empirical link between the reading and viewing of obscene materials and antisocial, criminal behaviour has not been proven, the Supreme Court, speaking through W. Burger, has asserted in Paris Adult Theatre 1 v. Slaton (1973) that "although there isn't conclusive proof of a connection does or might exist." Assuming there is a link between exposure to obscene material and arousal of sexual desires consequently leading to criminal behaviour, the criminal acts would be rape, threats of rape, peeping, and exhibitionism--crimes committed by males. Assuming the causality exists, does the fact that some of the male population are "corrupted" and "depraved" by obscene books and films justify a blanket suppression, thus making literary and artistic works unavailable to the entire adult population? The Court decided in 1957 in Butler v. Michigan that the adult population could not be reduced to reading only what is fit for children. If Butler is valid, if the

effects of books on children are no basis for prohibiting adults to read them, then it seems reasonable to conclude that the effects of films and books on adult males should not determine what adult females may see or read, that the female population should not be reduced to reading or viewing books, films, and plays only fit for the male population.

-Summary abstract

Boulding, E. Women and social violence. International Social Science Journal, 1978, 30, 801-815.

The image of man the warrior has long been joined to that of woman the submissive victim. Even the earliest records present each sex as feeling victimized by the other, so that replacing male by female rule would do nothing to solve the problem of violence. Rather, an androgynous role and image are needed. In present society females are victims in many ways; as having limited rights as compared to males, as objects of rape and pornography, as victims of brutal husbands or fathers, and also as victims of direct violent crime and of governmental violence and torture. Females also act as aggressors, inflicting brutalities on children under their care in many cases, and also using peculiarly "feminine" techniques such as tongue-lashing, manipulation and trickery. Any reduction in the victimization of females will require their equal participation in police, courts, and armed forces.

-Summary abstract

Boudewyns, P. A. Finger temperature response to sexual stimulation. Behaviour Therapy, 1978, 9, 618-621.

Earlier studies (M. A. Wenger et al, 1968; J. D. Adamson et al, 1972; P. A. Boudewyns, 1976) support the conclusion that finger temperature decreases (vasoconstriction) during sexual arousal in males. In the present study with 12 male volunteers (mean age 24.5 yrs), Ss' finger temperature response to a sexually explicit film decreased at first but then reversed itself and increased. Apparently, in the earlier studies the sexual stimulus was presented for such a short period of time that the increase phase was never observed. (8 ref)

-Journal abstract

Boys beware beware. Glendale, California: Davis Communications Media, 1979.

Designed for a young male audience, this film emphasizes the importance of not trusting strangers and of reporting suspicious incidents. Overall, the film is meant to develop an awareness in boys of the possibility of assault by a homosexual rapist and to encourage crime prevention. In the first of a series of dramatized incidents, one boy is talked into going with a man in a car to chase a bicycle thief while his friend, made suspicious by the incident, notifies the boy's mother. The police rescue of the boy is shown. A second scene depicts an older acquaintance attempting to share pornographic photographs with a young boy. The film emphasized that it is important to notify parents or counselors of advances that seem suspicious, even if they involve friends or acquaintances. In another scene, a stranger is shown building up the trust of a young boy by letting him turn on the ignition of his car. After trust is developed, the stranger invites the boy to a party where he is assaulted by the young stranger and his friends. A synopsis of the film whose objective is to alert boys to the existence of the problem of sexual attacks is included.

-Summary abstract

Briddell, D. W. The effects of alcohol and expectancy set on male sexual arousal. Dissertation Abstracts International, 1975, 36, 2460-2461.

Further information unavailable at this time. See Briddell, et al (1978) for details.

Briddell, D. W. et. al. Effects of alcohol and cognitive set on sexual arousal to deviant stimuli. Journal of Abnormal Psychology, 1978, 87, 418-430.

48 undergraduate male social drinkers were randomly assigned to 1 of 2 expectancy set conditions in which they were led to believe that the beverage they were administered contained alcohol or no alcohol. For half of the Ss in each expectancy condition, the beverage was an alcoholic malt liquor; the others drank a nonalcoholic malt beverage. After their drinks, changes in penile tumescence (PT) in response to normal and deviant tape recordings and to self-generated fantasy were measured physiologically by a mercury-in-rubber strain gauge. The cognitive set (expectancy) significantly increased (PT) in response to the various erotic recordings.

Alcohol did not significantly influence levels of sexual arousal. Ss who believed they had consumed an alcoholic beverage evidenced significantly more arousal to the forcible rape recording and to the sadistic stimuli than Ss who believed that they had consumed a nonalcoholic beverage, regardless of the actual contents of the beverage. The cognitive set, as well as the alcohol, significantly influenced heart rate, skin temperature, and subjective reports of sexual arousal. Self-report measures of sexual arousal were positively correlated with PT. Moshier Forced-Choice Guilt Inventory scores were not significantly correlated with PT, although the Sex Guilt subscore was negatively correlated with the subjective measure of sexual arousal for the heterosexual intercourse and forcible rape tapes.

(35 ref)

-Journal abstract

Brody, S. Screen violence and film censorship--A review of research. London: Her Majesty's Stationery Office, 1977.

Deals primarily with research related to the effects of media violence on viewers.

-Comprehensive Summary

Brown, A. J. Changing faces of law enforcement. Texas: University of Texas, 1977.

Broad historic economic, social, political and technological changes in American society are examined in their impact on law enforcement, and future trends in policing are predicted. As the demands on law enforcement became fragmented. There has been a deemphasis on 'victimless' crimes (prostitution, gambling, pornography, etc.) and even on property crimes. It is expected that police will be influenced to resolve problems more through analysis and communication than through the exercise of authoritative power and physical force.

-Summary abstract

Brown, B. Private Faces in Public Places. I&C, 1980, 7, 3-16.

Analyzed is the significance of the Report of the Committee on Obscenity and Film Censorship (the "Williams Report", London: HMSO, Nov 1977, Cmd. 7772), in particular the distinction made between public and private behaviour. Although its province was

related to that of the Report of the Committee on Homosexual Offences and Prostitution, (Chairman, John Wolfenden; New York: Lancer Books), the Williams Committee's specific task was to define the field of pornographic representation and to control the availability of pornographic material through legislative recommendations. Principles of intervention based on the distinction between public indecency and private immorality are reviewed in connection with John Stuart Mill's essay *On Liberty*. Analysis indicates the Williams rationale to be confusing and to contain the potential to justify the policing of private morality within the public sphere.

-Summary abstract

Brown, B. A Feminist Interest in Pornography--Some Modest Proposals. m/f, 1981, 5-6, 5-18.

An attempt is made to lower the level of analysis of pornographic images. For pornography to be assessed as a political issue for feminism, there must be some form of distinguishing it and of relating it to possible feminist campaigns. An analysis is made of pornography's attempt to combine genre, sexual fantasy and cultural objects, following the Williams Report on Obscenity (Nov 1979). The pornography is also explored.

-Summary abstract

Brown, C., Anderson, J., Burggraf, L., and Thompson, N. Community standards, conservatism, and judgments of pornography. Journal of Sex Research, 1978, 14, 81-95.

Attempted to obtain judgments about 25 pictorial erotica from a random sample of 114 respondents in one community and to compare these judgments to scores on Wilson and Patterson's Conservatism Scale. Major results suggest evidence for the existence of a community standard; a direct correlation existed between conservatism and pornography scores. The 25 pictures met Guttman's requirements of unidimensionality. (24 ref)

-Summary abstract

Brown, C., Anderson, J., Burggaf, L., and Thompson, N. Community standards, conservatism, and judgments of pornography. Journal of Sex Research, 1978, 14, 81-95.

Since the Roth decision (Roth v United States, 1957), community standards have often been appealed to in obscenity trials. To determine whether such standards exist, demographic data, scores in Wilson and Patterson's Conservatism Scale, and judgments on whether 25 pictures were pornographic were obtained from 114 randomly selected residents of an Idaho University community in a conservative area. General consensus existed that a few pictures were pornographic, but correlated (.01 level significance) with number of pictures judged pornographic. The 25 pictures met Guttman requirements of unidimensionality. Factor analysis yielded three clearly defined factors, defined as nudity, prudery and sex, and a fourth, ambiguous one, apparently associated with novelty and or ambiguity. The pictures that loaded heavily on each factor were so ordered on the unidimensional scale as to produce a clear ranking of the factors from most to least pronographic: sex, nudity, novelty/ambiguity, and prudery.

-Summary abstract

Bryant, C. D. (Ed.). Sexual Deviancy in Social Context. New York: Franklin Watts/New Viewpoints, 1977.

Various types of individual and collective sexually deviant behaviour and degrees of acceptance of this behaviour in different social contexts are examined in a collection of essays and papers. Sexual behaviour is situational in that it occurs within a social context, and is therefore subject to collective interpretation and cultural meaning. Sexual behaviour labeled as deviant is relative: The same behaviour in one situation may be considered romantic expression, while in another, depraved and even illegal. It should therefore be representative modes of sexual deviance and their social context are addressed. The different contexts considered are: (1) spurious (that which is perceived, or believed, but which cannot be demonstrated); (2) vicarious (observation or fantasy); (3) verbal (pornography or just 'dirty' language); (4) symbolic (nudity and exhibitionism); (5) imitative (autoerotism and massage parlor services); (6) counterfeit (homosexuality); (7) superficial (causal and recreational sex); (8) symbiotic (both marriage and prostitution);

(9) disparate (statutory rape, child molesting); and (10) violent (rape). In addition, deviancy is divided into two groups; that behaviour which is essentially private and affective in orientation, and that which is commercial and economically instrumental in nature. While the private pattern may be frequently viewed as aberrant or pathological behaviour, the selective may be tacitly accepted and viewed as functional, if not culturally appropriate in certain circumstances.

-Summary abstract

Buhrich, N. The association of erotic piercing with homosexuality, sadomasochism, bondage, fetishism, and tattoos. Archives of Sexual Behaviour, 1983, 12, 167-171.

Examined sexual deviations of subscribers (6 females and 154 males) advertising in the Dalliance Columns of a magazine published for those with an erotic interest in piercing of genital areas. There appeared to be a strong association between erotic piercing and homosexuality, sadomasochism, bondage, fetishism, and tattoos. Males advertised 25 times more frequently than females. (19 ref).

-Summary abstract

Burditt, T. C. Jr. Social Abuse of Children and Adolescents. Austin, Texas: Texas Legislature House Select Committee on Child Pornography, 1978.

Part of an interim legislative report, this survey of sexual abuse of children and adolescents in Texas profiles victims and offenders and discusses medical, legal, and psychological aspects of sexual abuse.

-Summary abstract

Burt, M. E. H. Use of pornography of women: A critical review of the literature. Case Western Reserve Journal of Sociology, 1976, 8, 1-16.

The apparent lack of interest of women in pornography can be explained better by sociological rather than by biological factors. Sex-role and socialization concepts can provide a major part of such an explanation. The assumption of many studies that inherent physiological differences account for women's lack of interest is not tenable, given recognition of these considerations. The literature on this subject is critically reviewed, and suggestions are made for new approaches to research.

-Summary abstract

Byrd, J. W., The effects of sexually explicit films on the sexual knowledge, attitudes and behaviour of college students. Dissertation Abstracts International, 1978, 38, 5933-5934.

Discusses sexually explicit films, sexual knowledge and attitudes and behaviour.
-Summary abstract

Byrne, D. Social psychology and study of sexual behaviour. Personality and Social Psychology Bulletin, 1977, 3, 3-30.

Past research on sexual behaviour may be viewed as a progressive evolution from less taboo concerns (animal behaviour, studies of primitive cultures, and abnormality) to the succession of "shocks" that attended the extension of sexual knowledge to the normal, contemporary human sphere with Freud, Kinsey, and Masters and Johnson. Social psychologists were attracted to this area by the revolutionary societal changes in attitudinal permissiveness and in actual behaviour, by the research initiated by the Commission on Obscenity and Pornography, and by a pressing applied interest in solving the problems of unwanted and unneeded conception. Sex research is of special value to the field of social psychology because it has built-in experimental impact, its technology includes the direct nonverbal assessment of a motivational-emotional state, and it is of obvious relevance to innumerable real life issues. Upon examination, many of the traditional principles and research paradigms of social-personality psychologists may be perceived as being directly relevant to an understanding of sexuality. A tentative model of a social psychological approach to this research domain (the Sexual Behaviour Sequence) is presented. Finally, the interdisciplinary and international aspects of sex research are noted. (9½p ref)

-Journal abstract

Calderone, M. S. Eroticism as a norm. Family Coordinator, 1974, 23, 337-341.

Erotic feelings, thoughts, fantasies, and responses invariably occur in children from their earliest days onward, simply as a "given" to being born male or female. The attitudes of the parent figures about these and about the gender identity and role behaviour of the child constitute the child's primary sex education from birth to 5 yrs of age. Sex of assignment and of rearing should be congruent, or be helped to become so, before the age of 3. In particular, most parents need to be made aware of their child's future adult capacity for erotic response and sex object choice.

-Journal abstract

Campagna, A. F. The function of men's erotic fantasies during masturbation. Dissertation Abstracts International, 1976, 36, 6373.

Discusses erotic fantasies during masturbation with male college freshmen.

-Summary abstract

Cantor, J. R., Zillmann, D., and Bryant, J. Enhancement of experienced sexual arousal in response to erotic stimuli through misattribution of unrelated residual excitation. Journal of Personality and Social Psychology, 1975, 32, 69-75.

In a pretest with 15 male undergraduates, 3 phases of recovery from a standard physical exercise were determined. In Phase 1, Ss experienced high levels of physiological excitation and recognized that their arousal was due to exercise. In Phase 2, Ss maintained substantial excitatory residues from the exercise but felt that their arousal had returned to base level. In Phase 3, Ss' excitatory responses had decayed, and they knew they had recovered from the exercise. Ss in the main experiment were exposed to an erotic film in the 1st, 2nd or 3rd recovery phase after performing the exercise. Ss viewing the film during the 2nd recovery phase reported being more sexually aroused by the film and evaluated the film more positively than Ss in the other 2 conditions. Counter to the notion of arousal as a simple energizer of all behaviour, these findings support excitation-transfer theory, which posits that residual excitation enhances emotional responses to unrelated,

immediately present stimuli only when the prevailing arousal cannot be attributed to its actual source.

-Journal abstract

Cantor, J. R., Zillmann, D., and Day, K. D. Relationship between cardiorespiratory fitness and physiological responses to films. Perceptual and Motor Skills, 1978, 46, 1123-1130.

Assessed 36 male and 36 female undergraduates' physiological responses and rated reactions to a medical film and an erotic film. Later, cardiovascular fitness levels were determined by Ss; physiological responses to an exercise task. The greater the increase in the S's systolic blood pressure after exercise and the slower the recovery, the lower the fitness level. A median split on the fitness scores of males and females separately was used to determine levels of relatively low and high fitness. Ss in low fitness had significantly greater sympathetic-arousal responses to the 2 films, as measured in systolic blood-pressure increases and skin-temperature decreases. Ss in the 2 fitness levels did not differ in ratings of their own physiological or emotional responses to the films. Reported interoception of the magnitude of physiological responses was inaccurate, especially for Ss in low fitness. (8 ref).

-Journal abstract

Cantor, J. R., Zillmann, D., and Einsiedel, E. F. Female responses to provocation after exposure to aggressive and erotic films. Communication Research, 1978, 5, 395-412.

Exposed 60 female college students to a neutral, aggressive or erotic film. Ss then were either provoked or not provoked in a game situation that provided an immediate opportunity for retaliation. Both instigation and retaliation were operationalized in the delivery of noxious noise to the opponent. Benevolent behaviour, operationalized in the delivery of pleasant sounds, was a response alternative to noxious noise. Physiological reactions to the films were measured. These measures revealed that the erotic film was significantly more arousing than the aggressive film. The neutral film held an intermediate position and did not differ significantly from the other 2. For Ss who were not provoked, the prior viewing of films did not differentially affect the delivery of noxious stimulation. For provoked Ss, however, those who had seen the erotic film delivered noxious noise significantly more often than those who had seen the aggressive film or the neutral

film. Findings are best accounted for in terms of excitation-transfer theory, which states that an emotion such as anger will be intensified by arousal lingering or from prior experiences. The aggressive film did not intensify retaliation, presumably because it was not arousing to the female Ss. The need to study women independently of men in media violence research is discussed. (22 ref)

-Journal abstract

Carducci, B. J., Cozby, P. C., and Ward, C. D. Sexual arousal and interpersonal evaluations. Journal of Experimental Social Psychology, 1978, 14, 449-457.

To reconcile conflicting results concerning the effects of sexual arousal on interpersonal evaluations, hypotheses based on adaptation level, arousal-need gratification, and labeling of arousal explanations were tested with 104 male undergraduates. Sexual arousal, technique of stimulus material presentation, physical attractiveness of the original stimulus female, and physical attractiveness of the final target person being judged were manipulated. A significant 3-way interaction (Arousal by Stimulus Attractiveness by Target Attractiveness) obtained on all measures of interpersonal evaluation (e.g., Interpersonal Judgment Scale, Impression Formation Index) is interpreted as supporting a labeling-of-arousal explanation. It is suggested that Ss first interpret their arousal as being caused by their attraction toward the stimulus person. The characteristics of the stimulus person then become a factor used by Ss when they subsequently make judgments of target females. The adaptation-level and arousal-need gratification hypotheses were not supported. (8 ref)

-Journal abstract

Casse, C. E., and Martin, L. Pornography and Obscenity. Police Yearbook, 1978. Baltimore, Maryland: International Association of Chiefs of Police, 1978.

The participants in an International Association of Chiefs of Police workshop discuss organized crime's control of the pornography industry, and the nature and extent of sexual exploitation of children. A representative of the organized crime and criminal intelligence branch of California's law enforcement division traces the infiltration of organized crime into the pornography industry in California. Describes how the Mafia uses a maze of corporate paperwork to conceal its control of

the pronography trade, and suggests that the best way to deal with pornography is not to attack pornography per se but to use antitrust and criminal conspiracy laws and other tools to weaken organized crime's control of the industry. It is pointed out that, while each city must deal with pornography in its own way, the monitoring of organized criminal involvement in the industry must be done on a larger scale, at the state or federal level, an investigator with the juvenile division of the Los Angeles, Calif., police department notes the various forms that sexual exploitation of children and adolescents can take (e.g., recruitment of runaways as prostitutes, use of children in pornographic films and magazines, use of pornographic materials by adults to persuade children to participate in sexual acts, and the taking of sexually explicit photographs of children for financial gain and/or the personal gratification of the photographer). The need for federal regulatory action to prohibit interstate transport of young males for sexual purposes is pointed out, as is the likelihood that sexual exploitation of children is a problem of considerable proportion in California and throughout the nation.

-Summary abstract

Caso, A. T. Free speech and self-incrimination-the constitutionality of California's new child pornography laws. Pacific Law Journal, 1979, 10, 119-140.

The constitutionality of California's new child pornography laws is examined with respect to self-incrimination, and free speech. The California legislature enacted several new laws prohibiting the production of child pornography and the possession for distribution of obscene material depicting minors engaged in specified sexual conduct. To aid law enforcement officials in the identification of persons engaged in the illegal production of child pornography, the legislature has also imposed a recordkeeping requirement on the distributors of this material. The recordkeeping requirement is vital to the effective operation of the legislative scheme. The requirement is likely to be challenged on the basis of the Fifth Amendment privilege against self-incrimination. Such a challenge should succeed, because the record-keeping requirement demands individuals who illegally possess obscene material depicting minors engaged in sexual conduct to make and preserve a record of their crime and to hold that record open for inspection by law enforcement officials. This constitutional defect is curable by means of a grant of immunity to the record-keeper. Use and derivative use would shield the recordkeeping requirement from constitutional attack, but would not erect a barrier to prosecutions of the recordkeeper under the felony-for-possession statute, if evidence of that crime exists independent of the required records.

Chambliss, W. J. The business of crime. Working Papers for a New Society, 1978, 6, 59-67.

Analyzed is the nature of crime as a business activity, with profits and costs just like legal enterprises. Whereas legal businesses count on the law and the court to regulate commercial practice, illegal ones ensure protection of their dealings by securing cooperation of police, politicians, lawyers, bankers, and real-estate people through pay-offs and promises of profit percentages. The city of Seattle provides numerous instances of this corrupt, cooperative working relationship between criminal networks and public officials. Law enforcement is typically tolerant toward profitable vice operations, and officers have considerable discretion in their use of laws. Examinations of regulations forbidding gambling, drug use, pornography, and prostitution show that there is no unified support for them. The county prosecutor especially can follow his/her inclination about any given case; the legal stages of prosecution promote this official's control of entrance to the trial court. Criminal businesses are advanced by capitalist philosophies which promote pragmatic self-serving. Criminal values are not viewed as significantly different from those operant in United States business and government.

-Summary abstract

Chapman, J. R. Economics of women's victimization. In J. R. Chapman and M. Gates (Eds.), Victimization of Women. Beverly Hills, California: Sage Publications, Inc., 1978.

The economic factors contributing to and the costs of wife beating, child sexual abuse, rape, prostitution, pornography and harassment and biased medical care are assessed. Costs faced by victims are discussed. Prostitution and the exploitation of pornography also have their roots in limited economic opportunities for women.

-Summary abstract

Chapman, J. R., and Gates, M. (Eds.). Victimization of Women. Beverly Hills, California: Sage Publications, Inc., 1978.

This anthology considers aspects of violence, sex, and power as they relate to the physical, sexual, and psychological victimization of women. The selection of articles for this volume was guided by the premise that the abuse of women and female children in our society is the natural result of a sexist social order.

The economics of women's victimization are assessed with respect to factors of dependence in family violence and sexual abuse, harassment and medical exploitation, the profits derived from sexual exploitation in advertising and pornography

-Summary abstract

Christensen, H. T. Recent data reflecting upon the sexual revolution in America.

International Sociological Association (ISA), 1978, 25, 10.

A structured questionnaire designed to measure premarital sexual attitudes and behaviour was administered to sociology classes at large state-supported Midwestern University during Apr, 1978. The results are analyzed alongside comparable data (some previously published) derived from surveys using this same instrument at this same University during the spring of 1958 and the spring of 1968. Twenty-year trends at this one institution are examined in the belief that they may offer clues concerning the 'sexual revolution' in the country at large. A majority of the measures -- including approval of and participation in premarital coitus -- reveal not only that the 'sexual revolution' is continuing but that it may be accelerating. Furthermore, increases in sexual permissiveness generally continue to be greater for females than males, which is resulting in an intersex convergence. In a few specific areas, however, there are at least tentative signs that the 'sexual revolution' may be slowing, especially with females. During the second decade of the study as compared with the first: Female percentages opposing the censorship of pornography leveled off; female percentages claiming to have been pressured into first coitus increased; and female percentages claiming negative reactions to first coitus increased.

-Summary abstract

Clayson, D. E., and Eshler, W. Evaluation of self, ideal self, and pornography in relation to handedness and sex. Journal of Psychology, 1982, 111, 87-90.

76 college students were administered a Modified Osgood Semantic Differential that measured 3 concepts--me, ideal self, and pornography--to study the relationship between handedness and sex in relation to self-perception. Left-handers rated themselves significantly less likeable, more sad, and farther from their ideal self than did right-handers. Left-handed males and females differed in their evaluation of potency and activity. Of the 4 combinations of handedness by sex, left-handed males rated themselves significantly closer to pornography than did any

other combination, while left-handed females evaluated themselves as farther away. Observations that left-handers may be more aggressive or more strongly sex typed were substantiated, especially with males. (9 ref).

-Summary abstract

Cliffe, M. J. Measurement of sexual orientation by relative response rates
(from sex offenders - A syposium, by John Gunn, 1978, 31-35.

A new sexual orientation measure is discussed that is designed to determine the reinforcement magnitude of various classes of erotic stimuli for a give individual. The test is aimed at identifying sexual offender preferences. A review of sexual arousal measurements and sexual preference assessments that have been used in research on sexual offenders also identifies the factors that the factors that are used in designing treatment or in considering suitability for discharge from detention under secure conditions. These factors (gender identity and role behaviour, sexual preference and attitudes, sexual gratification, sexual arousal, and sexual gratification, sexual arousal, and sexual activity--fantasied or real) are discussed with regard to the research conducted to measure them, including physiological methods of Phallo-plethysmodgraphy or pencil and paper tests. Attention is given to a 'shutter' experiment aimed at differentiating between homoerotic or heteroerotic interest in a male subject, a 'sexual interest latency' experiment and animal experiments using response rates. In one of the prototype experiments examining concurrent performance, pigeons were exposed to a two-key concurrent procedure. The pigeons were penalized for alternating in response between the two keys. The relative frequency of responding on a given key closely matched the frequency of reinforcement on that key. This relationship has been designated the 'matching law'. This formula is diagramed and explained as a method for measuring sexual orientation by calculating the relative reinforcement magnitudes of qualitatively different stimuli. Finally, solutions to the problem of faking are suggested, with emphasis on technological devices that can help to render this formula highly sophisticated measure of sexual orientation. A list of 33 references is provided.

-Summary abstract

Cocchi, R., Passanisi, S., and Macci, R. Does chlordesmethyldiazepam have a specific anti-erotic effect? Report on five observations. Acta Psychiatrica Belgica. 1982, 82, 555-564.

Presents 5 cases of adults (aged 31-62 yrs) in which the administration of

chlordesmethyldiazepam (2-4 mg/day) alone or in association with other psychodrugs demonstrated a specific anti-erotic action, with a short therapeutic latency period, reversible, not found in other pensodiazepines that the Ss had previously taken.

One of the cases was diagnosed with clerambault syndrome of 7 yrs duration.

(French, Dutch, Italian and Spanish abstracts) (27 ref).

-Summary abstract

Cochran, P. Sex crimes and pornography revisited. International Journal of Criminology and Penology, 1976, 6, 307-317.

A critique of John Court's arguments and conclusions about pornography and sex crime trends around the world is presented. The stated intention of court in his study was to examine the possibility of a positive correlation between the availability of pornography and the rate of sex crimes in countries where pornography is freely available and in Singapore where pornography is strictly controlled. He argued that a casual relationship cannot be demonstrated but that there is a case for a positive correlation with some significance. This critique of Court's study indicates that his arguments and conclusions are inaccurate, that statistics are misused and misinterpreted, and that conclusions are often overstated and sometimes incorrect. Theoretical problems associated with Court's analysis of pornography and sex crime trends in Denmark, Australia, New Zealand, the United States, and Singapore are raised. The fact that Court does not appear to apply the question of power and sex crimes to relations between men and women is viewed as a fundamental characteristic of his work that accounts for the study's theoretical limitations. Graphs and supporting data are included. References are cited.

-Summary abstract

Court, J. H. Pornography and rape in white South Africa. De Jure, 1979, 12, 236-241.

The effects of conservative and liberal policies toward pornography on changes in sex crime rates are compared for the offense of rape and attempted rape in South Africa, the United States, and other selected Western and Far Eastern countries. For some years debate has centered on whether increased availability of explicit erotic materials would have adverse or beneficial social consequences. Advocates of a liberal approach to censorship have argued for reduced prohibitions of sexual materials, and the conservatives have argued for a retention of controls over the

presentation of sexual themes, believing that removal of restraints would lead to antisocial sexual acts and a decline in standards of sexual morality. South Africa, due to its conservative policies on pornography, provides a unique opportunity to evaluate the consequences upon sex crime rates of contrasting legislative policies on pornography. The sex offense that most lends itself to statistical comparability is the crime of rape. An analysis of rape rates in the United Kingdom, New Zealand, and the United States shows a striking increase in the past 15 years that has occurred immediately after liberalizing changes in the pornography laws. Both Denmark and Sweden have also reported large increases in rape offenses. In Australia, liberal policies in the province of South Australia have been associated with a marked rise in rape offenses. However, conservative pornography policies in Japan and Singapore correlate with negligible rises in rape offenses. Moreover, a rise of 32 percent in rape offenses committed by Whites in South Africa from 1960-1962 to 1974-1977 contrasts with increases over 100 percent in many Western countries with liberal pornography policies during the same period. Overall, a positive link between the availability of pornography and the incidence of rape may be postulated because rises have occurred where pornography legislation has been liberalized, legislative changes, and comparable rises have not occurred where pornography has not become widely available. Two tables and footnotes are available.

-Summary abstract

Crawford, D. A. Modification of deviant sexual behaviour: The need for a comprehensive approach. British Journal of Medical Psychology, 1979, 52, 151-156.

Gives 4 main lines of evidence to support the view that it is simplistic to view sexual deviance as a problem of deviant arousal only; (1) clinical experience leaves the clear impression that sex offenders have difficulties in many areas of their lives. (2) It is inconsistent to accept that normal sexual behaviour is complex but maintain that deviant sexual behaviour is just an inappropriate penile response. (3) Treatment studies aimed at modifying homosexual behaviour have found that changes in heterosexual measures are the most important. This suggests that most attention for sex offenders should be paid to increasing nondeviant arousal and interests. (4) It is unrealistic to consider the problem of deviant sexual behaviour in isolation from other problems. Comprehensive treatment programs are needed, covering such problems as sexual dysfunction, anxiety, deficient social skills, inadequate sexual knowledge, poor self-control, lack of nondeviant sexual arousal as well as the presence of deviant sexual arousal. (42 ref)

-Journal abstract

Crepault, C., and Couture, M. Men's erotic fantasies. Archives of Sexual Behaviour, 1980, 9, 565-581.

Interviewed 94 20-45 yr old males about their erotic fantasies. The majority were married and the average duration of cohabitation with a female was 6.5 yrs. All admitted to having had erotic fantasies outside their sexual activity and a large majority among them fantasized, at least occasionally, during heterosexual activity and masturbation. The content during heterosexual activity centered on 3 main themes: confirmation of sexual power, aggressiveness, and masochistic fantasies. Ss who had more erotic fantasies during their heterosexual activity, were capable of controlling the timing of ejaculation during coitus, usually took an active role during sexual activity, their regular partner had similar erotic fantasies, and had experienced psychotherapy. (2 ref).

-Summary abstract

Criminal Code Revision Act of 1980: A bill to revise Title 18: House of Representatives Bill 6915, 96th Congress, 2nd Session. United States Congress House of Representatives, 1980.

The Federal Criminal Code Revision Act of 1980 (H. R. 6915) is presented. Following a discussion of provisions of general applicability, offenses, such as, sexual exploitation of children, weapons, riot, and gambling, and obscenity are discussed.

-Summary abstract

Danner, D. Federal District Court Decision Making on Obscenity: The Impact of Precedent, Decisional Context Effects and Constituency Effects. Mid-South Sociological Association (MiSSA), 1978

An analysis was made of 386 obscenity cases as reported in the Federal Supplement in all United States federal district courts between 1955 and 1975. Using multiple regression analysis, it was found that United States Supreme Court decisions on obscenity (the Memoirs decisions--conservative) did not significantly influence federal court decisions. However, several decisional context variables--characteristics of the cases (eg, liberalness of the presiding judge, level of law violated or challenged--federal, state, city etc.) and constituency variables--characteristics of the district in which the case was decided (eg, level of antiviictimless crime interest group pressure, density) did significantly influence federal court decisions. With regard to the latter variables, it was found that obscenity laws were more likely to be ruled unconstitutional if the judge was liberal, if the level of law violated/challenged was low (city as opposed to federal), if the case was tried in a district with a low level of antiviictimless crime interest group pressure, and if the case was tried in a more dense district. Additional findings are elaborated.

-Summary abstract

Decade of Organized Crime, 1980 Report. Saint Davids, Pennsylvania: Pennsylvania Crime Commission, 1980

This report, a product of the Pennsylvania Crime Commission, documents the sophistication and monolithic, expansive nature of organized crime in the State of Pennsylvania, as well as its pervasive influence throughout the State's economy. The report documents how thousands of Pennsylvanians are engaged in either managing or assisting the licit and illicit businesses of organized criminals. It shows that hundreds of businesses in the State have been influenced by organized criminals and that all 67 of the State's counties have felt the influence of organized crime since 1970, as have over 225 of Pennsylvania's towns, cities, and townships. The report states that organized criminals' two main goals --huge profits and the evasion of punishment--have been achieved again and again. Criminal activities such as drug sales, illegal gambling, fraud, theft, bribery, extortion, pornography, and prostitution will generate about \$200 billion in gross revenue in 1980 nationwide,

with net profits as high as \$80 billion. Public apathy toward, or tolerance of, organized crime in Pennsylvania is seen as amounting to public acceptance.

Individual chapters discuss the motives and methods of organized crime; various organized crime groups operating in Pennsylvania; La Cosa Nostra; crime in the workplace; neutralizing government; and drugs, porn, and prostitution.

-Summary abstract

Deegan, M. J, and Stein, M. C. Pornography as a Strip and a Frame. Sociological Symposium, 1977, 20, 27-44.

Two beliefs associated with the proliferation of pornography and two basic types (or 'frames') of pornography related to these beliefs are examined: (1) the belief that pornography is a manifestation of human depravity (social pornography), and (2) the belief that it is a sign of an increase in personal freedom (natural pornography). E. Goffman's Frame Analysis (New York: Harper and Row, Colophon Books, 1974) is employed as a theoretical base, with the modification that the frames are put in a sociocultural context. By elucidating frames of social and natural pornography, it is shown that there are differing approaches and conflicting assumptions and goals in the production and use of pornography: 'filth' for guilt's sake (social pornography) Versus filth for filth's sake (natural pornography). 3 Charts, 2 Tables.

-Summary abstract

Dellinger, A. Mail Regulation in Jails. Chapel Hill, North Carolina: University of North Carolina Institution of Government, 1977.

Mail regulation in North Carolina jails must conform to court decisions. Legally defensible jail operating procedures and protection of inmates' and pretrial detainees' rights are discussed. The majority of jailers find little need to censor inmates' mail. While most do inspect for contraband, few see need to read mail or to refuse to deliver it. Letters of complaint or criticism and pornographic and obscene materials are censored to improve the inmate's own attitude. Some reasons given may be fully justified under current law, some are justified for prisoners but not for pretrial detainees, and others are not legally justifiable.

-Summary abstract

Densen-Gerber, J., and Hutchinson, S. F. Medical-Legal and Societal Problems Involving Children, Child Prostitution, Child Pornography and Drug-related Abuse-Recommended Legislation. Baltimore, Maryland: University Park Press, 1978.

Discussions on exploitative abuse and neglect of children include child prostitution and pornography, and case histories of intrafamilial sexual abuse. Ameliorative legislation is presented. Exploitative abuse and neglect of children is defined as physical or emotional harm to a child arising from (1) use of the child by the parent or someone in locus parentis for his or her own sexual needs; (2) the use of the child in explicit sexual performances, for prostitution, sexual exhibition, or producing pornographic materials; and (3) maltreatment of the child by a drug or alcohol-addicted parent. In the case of child prostitution, there is a minimum of 300 000 active boy prostitutes under the age of 16 in the United States and at least as many girls; reasons for this situation, the psychological, emotional, and physical damage suffered by these children, and some children involved in 'kiddie porn.' Each month, there are at least 264 different magazines being produced and sold in adult bookstores that deal with sexual acts between children or between children and adults. Evidence shows similar psychological scarring between child porn and incest victims. Since early 1978, more than 30 state legislatures have introduced or passed child porn legislation. Congress also has completed work on a federal statute dealing with this issue. The application of child protection laws is evaluated in regard to several case histories of intrafamilial sexual abuse. Showing that (1) a comprehensive automatic child care delivery system similar to those operating in many western European countries should be developed to replace the current system; (2) persons mandated to report suspected cases of child abuse fail to do so--stronger penalties for nonreporting are required, such as loss of professional licensing; and (3) provisions should be strengthened to allow a physician without a previous court order to detain a child whom he believes will be harmed if returned to the home. In conclusion, all child protective systems should operate on the presumption that a causative relationship exists between a parent or guardian who is a substance-abuser and the likelihood that a parent or guardian will be a child abuser. It is asserted that children's needs must become a priority concern of the government at the cabinet level. References are provided.

-Summary abstract

Dermer, M., and Pyszczynski, T. A. Effects of erotica upon men's loving and liking responses for women they love. Journal of Personality and Social Psychology, 1978, 36, 1302-1309.

In 2 studies, the construct validity of the Rubin Love scale and its discriminant validity in relation to the Rubin Liking scale were examined. In study 1, 51 male undergraduates were asked to describe their loved ones on a series of measures after having been exposed to either erotica or control materials. Analysis of the within-condition correlations revealed convergent and discriminant patterns indicating construct validity. Analysis of covariance also revealed convergent and discriminant patterns: Only scores on the Love measures reliably increased from the control to the erotica condition. In presenting a behavioural analysis of the differential impact of erotica on Love vs Liking scale responses, it was assumed that (a) women are more likely to reinforce suitors for emitting statements more similar to the Love than to the Liking items and (b) men are more likely when sexually aroused than when not aroused to express statements more similar to the Love than to the Liking items to their loved ones. In Study 2, a series of surveys of 77 female and 64 male undergraduates offer support for these assumptions. Overall, results are interpreted as corroborating the construct validity of the Love scale. (17 ref)

-Journal abstract

Dienstbier, R. A. Sex and violence: Can research have it both ways? Journal of Communication, 1977, 176-188.

Recent federal commission reports on media violence and explicit sexuality are frequently interpreted as mutually contradictory. While the Commission on Obscenity and Pornography (Report of the Commission on Obscenity and Pornography, New York: Bantam Books, 1970) suggested that exposure to explicit sexual materials does not increase tendencies toward sexual deviance, possibly even reducing such tendencies, the Surgeon General's Scientific Advisory Committee on Television and Social Behaviour, (Television and Growing Up: The Impact of Televised Violence, Washington, DC: United States Government Printing Office, 1971) indicated that exposure to media violence increases aggressive tendencies. It is suggested that the interpretation of "contradiction" depends upon the theory of socialization and the model of humanity assumed, and upon the ways in which sexuality and aggression

are valued. When cultural background (ample media violence versus scarce sexuality portrayals), child training practices (permissiveness toward early aggression versus sexual restrictiveness) and adult social restrictions (restricting aggression versus expecting increasingly fulfilling sexual relationships) are considered, it is less obvious that media exposure should similarly increase tendencies to imitate modeled sexuality. When knowledge is in short supply, the informational rather than stimulation components of explicit sexuality may be most relevant. Data on sex crime reduction with increased exposure to fixation (compensatory) model. Clinical observations concerning sexual offenders are discussed, with the potential impact on society of sexual material and education through the media is considered.

-Summary abstract

Diets, P. E. Social factors in rapist behaviour. In R. T. Rada (Ed.), Clinical Aspects of the Rapist.

Rape is examined from the standpoint of sociological theories, in relation to observations about contemporary society, and by reference to empirical studies of certain aspects of rape. The characteristics of social groups are considered in an effort to explain the occurrence of rape. Specific topics include Emile Durkheim's theory of crime as normal or a natural feature of social life, anomie theory differential opportunity, delinquent subculture, subculture of violence, rape as utilitarian behaviour, role theory, and social learning theory. An examination of rape and American society treats the issues of violence, sexual exploitation, and rape as normative behaviour, and surveys attitudes toward rape, sociological observations of identified rape offenders and offenses are reviewed in terms of sampling bias and lack of controls in the study of rape; social status, race, religion, and pornography relative to known rapists; temporal patterning, spatial patterning, and victim-offender relations in known rapes; group rapes; cross-cultural perspectives on rape; and social control of rape. The available evidence indicates that rape is committed by men from lower status segments of the population, at times of maximum social interaction, in whatever places men meet women, and against any women who are available. The eradication of rape would require radical changes in the class structure of society, the social and spatial mobility of individuals, and the right to privacy. An important direction for future research is evaluation of the relative merit of various strategies designed to reduce the frequency and severity of injuries resulting from acts of violence. A table illustrating such counter-measures is provided, along with a list of references.

-Summary abstract

Dietz, P. E. Pornographic Imagery and Prevalence of Paraphilia. American Journal of Psychiatry, 1982, 139, 1493-1495.

Studied the imagery of heterosexual pornographic magazines to generate descriptive data on materials currently sold and to identify clues to the prevalence of those paraphilias associated with preferences for specific visual imagery. 1760 heterosexual pornographic magazines were classified according to the imagery of the cover photographs. Covers depicting only a woman posed alone predominated in 1970 but constituted only 10.7% of the covers in 1981. Bondage and domination imagery was the most prevalent nonnormative imagery and was featured in 17.2% of the magazines. Smaller proportions of material were devoted to group sexual activity (9.8%), transvestism and transsexualism (4.4%), and other nonnormative imagery. The authors suggest that pornographic imagery is an unobtrusive measure of the relative prevalence of those paraphilias associated with preferences for specific types of visual imagery. (8 ref).

Donnerstein, E., and Donnerstein, M., and Evans, R. Erotic stimuli and aggression: Facilitation or inhibition. Journal of Personality, 1975, 32, 237-244.

Attempted to reconcile previous results on the relationship of erotic stimuli and aggression. 81 male undergraduates were either insulted or not insulted prior or subsequent to observing erotic stimuli of varying levels of arousal inducements. It was found, in support of prior research, that mildly erotic stimuli had an inhibiting effect on aggression when viewed subsequent to anger arousal, whereas highly erotic stimuli tended to maintain aggression at a level similar to nonerotic exposure. Prior viewing of erotic stimuli, however, had a facilitative effect on aggressive behaviour. It is proposed that erotic stimuli have 2 components (arousal and attentional shift) that interact with anger arousal to either inhibit or facilitate aggressive behaviour. Implications of this 2-component system for future research on erotic and aggressive stimuli are considered. (21 ref)

-Journal abstract

Donnerstein, E., and Barrett, G. Effects of erotic stimuli on male aggression toward females. Journal of Personality and Social Psychology, 1978, 36, 180-188.

To examine the effects of highly erotic films on aggression toward females, 72

male undergraduates were first either angered or treated in a neutral manner by a male or female confederate. After viewing a highly erotic or a neutral film, Ss were given an opportunity to both aggress against and reward the confederate. Erotic films were found to increase aggression overall, but there was no indication of differential aggression as a function of sex of target. Results for physiological arousal, however, suggested that aggression was possibly inhibited for Ss exposed to an erotic film and paired with a female. Suggestions for future lines of research based on the notion of inhibition are offered, along with observations regarding the sexual arousal and aggression relationship. (31 ref)

-Journal abstract

Donnerstein, E., and Hallman, J. Facilitating effects of erotica on aggression against women. Journal of Personality and Social Psychology, 1978, 36, 1270-1277.

To examine the effects of highly erotic stimuli on aggression against females, 60 male undergraduates were angered by a male or female confederate and exposed to an erotic film, an aggressive film, or a nonfilm condition. Ss were given 2 opportunities to aggress against the confederate. Both the aggressive and the erotic films increased aggression against both targets during the 1st and 2nd aggression opportunities; however, the erotic film facilitated aggression against the female target across the 2 aggression sessions. The processes operating to cause this increase are discussed in terms of reducing restraints against aggressive behaviour and the specific cue value of erotic films. (33 ref)

-Journal abstract

Donnerstein, E. Pornography and violence against women: Experimental Studies. Annals of the New York Academy of Sciences, 1980, 347, 277-288.

This paper reviews three studies in order to examine the effects that certain media presentations have on aggression against women. Generally, it is believed that as erotic stimuli become more arousing, they give rise to increases in aggressive behaviour. At a low level of arousal, however, such stimuli act to distract a subject's attention away from previous anger or act as an incompatible response with aggression, thus reducing subsequent aggressive behaviour. In the first experiment, with regard to aggression measured by the intensity and durations of

shocks administered to the male or female targets, two interactions were found. The first, anger and sex of target, indicated that angered subjects were more aggressive than nonangered subjects and that subjects angered by a male were more aggressive than those angered by a female. The second, anger and films, indicated that under nonanger conditions there were no effects for the films shown, but, when subjects were angry the erotic film increased aggression. No differential aggression was observed toward females as a function of film exposure. In fact, less aggression was administered to female subjects. The second experiment was formulated to create a condition in which male subjects would be less inhibited or restrained against aggression toward a female, in order to examine the effects that erotic exposure would have upon such aggression. The results indicate that highly erotic films can act to increase aggressive responses against females. Although there was no differential aggression towards males or females immediately following erotic exposure, when male subjects were given a second opportunity to aggress against the target aggressive responses were increased against female targets. In the third experiment in which male subjects were angered or treated in a neutral manner by a male or female and were then shown one of three films (two highly erotic but differing in aggressive content, and one nonerotic and nonaggressive), two interactions occurred. The first indicated that both types of erotic films increased aggression against a male, only the aggressive-erotic films increased aggression against a female, and the aggression level was higher than that directed against a male. Moreover, even under nonanger conditions aggression against females was increased while aggression against male targets was not influenced. One explanation is that the females' association with the victim in the film made her an aggressive stimulus that could elicit aggressive responses. The combination of anger and arousal from the film heightened this response and led to the highest level of aggression against the female. Thirty-seven references are appended.

--Summary abstract

Donnerstein, E. Aggressive erotica and violence against women. Journal of Personality and Social Psychology, 1980, 39, 169-277.

Examined the effects of aggressive-erotic stimuli on male aggression toward females when 120 male undergraduates were angered or treated in a neutral manner by a male or female confederate. Ss were then shown either a neutral, erotic, or aggressive-erotic film and given an opportunity to aggress against the male or female via the

delivery of electric shock. Results indicate that the aggressive-erotic film was effective in increasing aggression overall and that it produced the highest increase in aggression against the female. Even nonangered Ss showed an increase in aggression toward the female after viewing the aggressive-erotic film. (33 ref).

-Journal abstract

Donnerstein, E., and Berkowitz, L. Victim reactions in aggressive erotic films as a factor in violence against women. Journal of Personality and Social Psychology, 1981, 41, 710-724.

Investigated whether the behavioural characteristics of the people in erotic films and the nature of the targets available for aggression afterward can affect subsequent aggression. In Exp I, 80 male undergraduates were angered by a male or female confederate. They were then shown a neutral film or 1 of 3 erotic films. The erotic films differed in terms of their aggressive content (2 were aggressive and 1 was not) and the reactions of the female victim in the 2 aggressive films (positive vs negative). Ss were then allowed to aggress against the confederate via electric shock. Results indicated that films had no effect on male targets, whereas both types of aggressive erotic films increased aggression toward the females. In Exp II with 80 male Ss, the effects of the above films on nonangry viewers were investigated with only female confederates. Results indicate that angered Ss were more aggressive toward the female after viewing either aggressive erotic film but that only the positive-outcome aggressive film increased aggression in nonangered Ss. The theoretical and applied aspects of aggressive and nonaggressive erotica are discussed. (40 ref)

-Journal abstract

Donnerstein, E., and Linz, D. Sexual violence in the media: A warning. Psychology Today, January, 1984.

Presents preliminary reports of recent research using both sexual and violent stimulus materials with college students. Includes discussion of laboratory research which employs massive exposure to determine effects on viewers (eg., desensitization).

Dunwoody, V., and Pezdek, K. Factors affecting the sexual arousal value of pictures.
Journal of Sex Research, 1979, 15, 276-284.

In a study using a male and a female model photographed separately in an indoor setting, the following dimensions were factorially manipulated across pictures: male or female model, front or back view, standing or reclining position, semi-nude or nude. 24 female and 24 male 18-35 yr old undergraduates viewed slides of these pictures one at a time and rated the degree of sexual arousal value of each picture. Significant main effects of Position, View, and Clothing resulted. Findings suggest that with so many uncontrolled extraneous factors in this type of research, studies in which global aspects of erotic stimuli are manipulated should be evaluated with caution. More systematic consideration of the microvariables that change from picture to picture is advisable to evaluate clearly what factors truly contribute to changes in sexual arousal value of erotic pictures. (8 ref)

-Journal abstract

Dutcher, L. W. Scarcity and erotica: An examination of commodity theory dynamics.
Dissertation Abstracts International, 1976, 37, 3069.

Sex guilt and uniqueness deprivation and self dissatisfaction. Preference for viewing scarce vs available sexual vs neutral videotapes college students. Further information unavailable at this time.

-Summary abstract

Elias, J. E. Adolescents and sex. The Humanist, 1978, 38, 29-31.

In studies at the Institute for Sex Research at Indiana University between 1974 and 1978, data were collected on three central issues in adolescent sexuality: (1) are adolescents in the midst of a "sexual revolution," (2) what is the impact of pornography and erotic stimuli on the adolescent, and (3) how does sex education relate to adolescent attitudes and behaviour patterns? Research indicates that, while adolescents are more permissive in sexual attitudes than were their parents, their activity is not markedly different. Erotica ranging from general sexual through hard-core materials, finds much greater acceptance among males than females. Also, males are exposed to such materials at an earlier age, and define the erotic in terms accepted by their peer groups. Males' exposure to and views of such material are influenced by social class, with lower class males having the greatest access and concerning themselves the least with the 'tastefulness' of the presentation. The peer group appears to be the main source of sex education, males for males and females for females. The second most common source is peers of the opposite sex, followed by teachers. Parents seem to play a significant role only in the mother-daughter relationship, in which information is largely restricted to subjects of menstruation and the evils of premarital sex. Adolescents, nevertheless, appear in general to have healthy attitudes toward sex. Of those studied, 90% favored sex education after completion of such a course.

-Summary abstract

Eysenck, H. J., and Nias, D. K. Sex, Violence and the Media. London, England: St. Martin's Press, 1978.

Focusing on the effects of sex and violence in the media on the viewing public. This British volume examines existing research on the subject. Pointing out the need to distinguish reliable work from moralistic answers. Nearly all homes in the United States and the United Kingdom have television sets, with the average family in the United States watching about 40 hours each week. This increase in television viewing has been accompanied by escalating scenes of violence and sex in all types of media. Increased availability of pornography, and advancements in sex education. Numerous observers have blamed these factors for the dramatic growth in the crime rate in western countries, particularly in regard to sex crimes. Through examination of the facts, including experimental field studies and laboratory experiments, and by looking at individual case studies to determine the

role that pornographic material may play in causing individual acts of sexual violence, findings indicate that aggressive acts can be evoked by the viewing of violent scenes portrayed on film, television, or in the theater. There is ample evidence that media violence increases viewer aggression and may also increase viewer sexual arousal. Although pornography indisputably affects viewers and readers, these effects can be extremely variable. Feelings may range from titillation to guilt or revulsion, or they may lead to maladjustment and sexual problems and ultimately to aggression and violence in some viewers. Certain open portrayals of violence can be harmless and even, for some people, beneficial; other kinds of types of sexual portrayal, however, seem to push spectators towards types of sexuality harmful to themselves and others. With both sex and violence, differences between individuals are of great importance. The following recommendations are made: makers of films and related media should show more social responsibility regarding the portrayal of violence, censorship should apply to portrayals of violence and perverted sexual behaviour, the content of a presentation should be judged in relation to the prevailing tone of the presentation. More research is suggested. Statistical data, an index, and a bibliography are provided.

-Summary abstract

Farkas, G. M. Comments on Levin et al. and Rosen and Kopel: Internal and external validity issues. Journal of Consulting and Clinical Psychology, 1978, 46, 1515-1516.

Discusses problems of internal and external validity relevant to applied laboratory research in the modification of sexual behaviours. Two case studies presented by S. M. Levin et al (see PA, Vol 59:1505) and R. C. Rosen and S. A. Kopel (see PA, Vol 59: 1511) are used to illustrate these problems. Suggestions are presented for improving the internal validity and the generalizability of studies using the laboratory paradigm. (7 ref)

-Summary abstract

Farkas, G. M., Sine, L. F. and Evans, J. M. The effects of distraction, performance demand, stimulus explicitness and personality on objective and subjective measures of male sexual arousal. Behaviour Research and Therapy, 1979, 17, 25-32.

The interactions of several parameters known to influence sexual arousal was investigated in a 2^3 factorial design. Distraction, performance demand, and the sexual explicitness of the arousing film were manipulated with 32, 19-45 yr old males randomly assigned to the experimental groups. Sexual arousal was elicited by either an explicit or nonexplicit videotape; level of performance demand was determined by 1 of 2 sets of experimental instructions; distraction, a within-S factor, was produced by tone presentations. Arousal was assessed by both penile tumescence and a continuous subjective measure; marked individual differences were found in the degree to which these measures covaried. Results indicate a strong effect of distraction on tumescence, though none on subjectively reported arousal. Conversely, degree of film explicitness had a marked effect of subjective arousal without influencing tumescence. The performance-demand main effect was nonsignificant however, a significant Distraction by Demand interaction for maximum tumescence was evident. Additional analyses indicated the predictive value of certain personality measures. (2 ref)

-Journal abstract

Fehr, F. S. and Schulman, M. Female self-report and autonomic responses to sexually pleasurable and sexually aversive readings. Archives of Sexual Behaviour, 1978, 7, 443-453.

Investigated possible differential autonomic responses to sexually pleasurable and

sexually aversive readings using 12 female undergraduates. Reading conditions were counterbalanced so that an equal number of Ss received both orders of the 2 readings. Ss' ratings skin conductance (SC), finger pulse, and heart rate (HR) in response to the readings were compared. The sexually pleasurable passage was rated as more sexually stimulating, less anxiety and guilt provoking, and less disgusting than the aversive passage, but as equally well portrayed and interesting (extent of boredom). While essentially equal SC increases were noted in response to both readings, HR deceleration and vasodilation were more characteristic of the response to the sexually pleasurable passage. Findings are interpreted in terms of J. I. Lacey's (1959, 1967) intake-rejection hypothesis. Findings are consistent with the idea that pleasurable sexual readings are associated with interest, attention, and heart rate deceleration, whereas aversive material may be related to rejection of the material and to heart rate acceleration. (20 ref)

-Journal abstract

First Amendment: Obscenity. Journal of Criminal Law and Criminology, 1977, 68 613-623.

Significant findings of the U. S. Supreme Court in four 1977 cases concerning obscenity and first amendment rights are described. The basic standards held by the Supreme Court with regard to obscenity, stated in its decision on Miller V. California, are that the trier of fact must determine: (1) whether the average person, applying contemporary community standards, would find that the work, taken as a whole appealed to the prurient interest; (2) whether it depicts or describes in a patently offensive way sexual conduct specifically defined by the applicable state law; and (3) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. In addition, the court requires that state obscenity laws specifically define proscribed material. In order to provide dealers in questionably obscene material with fair notice of possible criminal prosecution. Four major obscenity cases were decided in 1977. In one, the court held that the Illinois obscenity statute satisfied specificity requirements, and therefore was not unconstitutionally vague. In another, it held that evidence of the circumstances surrounding sales and distribution of the material I. E., evidence of pandering to prurient interests, was relevant to a determination of obscenity. A third case concerned the relationship between the obscenity laws in a particular state and the ability of the federal government to prosecute violations

of federal obscenity statutes. The court held that the ability of a state to proscribe or permit the distribution of sexually explicit materials had no effect upon the federal government's ability to prohibit the mailing of such materials, even though such mailings were intrastate. The court further found that state laws are not conclusive evidence of the community standards. A final decision determined that the standards announced in *Miller V. California* were not to be applied retroactively to the extent that such retroactive application was to the detriment of a defendant in a criminal case.

-Summary abstract

Fisher, W. A., and Byrne, D. Sex differences in response to erotica? Love versus lust. Journal of Personality and Social Psychology, 1978, 36, 117-125.

Examined gender differences in response to varying erotic themes in 2 experiments. In Exp I, 30 unmarried male and 32 unmarried female undergraduates viewed an erotic film portraying petting: this film was prefaced with instructional sets that established either a love theme (affectionate marital sex) or a lust theme (unemotional sex with a prostitute). In Exp II, 36 married couples (the majority of which had at least 1 member who was a university student) viewed either a petting erotic film or one depicting coitus; these films were prefaced with instructional sets that established either the love or lust themes or a casual-sex theme (a chance sexual encounter). Arousal, affective, and evaluative responses to these stimuli were assessed using an 11-item feelings scale. Self-report of Sexual-Physiological Relations, and the Interpersonal Judgement Scale. Results of Exp I confirm the effectiveness of the thematic manipulation and indicate that males and females were not differentially responsive to the love or lust themes along any of the response dimensions. Results of Exp II replicate this finding and indicate that both men and women were more sexually aroused by the casual-sex theme than by those involving love or lust. Apparently, romantic or affectional emphasis is not a precondition for female arousal by erotica. Methodological and conceptual issues relating to the discrepancy between the often-cited female indifference to erotica and the present findings for equal male-female arousal responses are discussed.

-Journal abstract

Flandrin, J. L. Repression and Change in the Sexual Life of Young People in Medieval and Early Modern Times. Journal of Family History, 1977, 2, 196-210.

In contrast to the notion of progressive sexual liberation in the West, juven

sexual activity was increasingly repressed from the late Middle Ages to the beginning of the twentieth century. Youth, long considered the time of legitimate sexual activity, became a time of obligatory continence in the eighteenth and nineteenth centuries. The repression of juvenile sexuality seems to have increased the habit of solitary masturbation, erotic reveries, and the analysis of feelings which constitutes the richness of eighteenth and nineteenth century western literature.

-Summary abstract

Foddy, W. H. Obscenity Reactions: Toward a Symbolic Interactionist Explanation.
Journal for the Theory of Social Behaviour, 1981, 11, 125-146.

Reactions to obscenity are described as constituting a syndrome that can be explained from a symbolic-interactionist approach. These reaction are shown to be a response to the denial or destruction of the personal ability to achieve or establish an identity that is both socially and personally acceptable. There are advantages to defining obscenity in this way: (1) the concept is given empirical denotations; (2) obscenity is related to embarrassment, privacy, and other social-psychological concepts; (3) it unites different dimensions of obscenity, and different attitudes toward it, thus clarifying research tasks.

-Summary abstract

Fox, R. G. Censorship policy and child pornography. Australian Law Journal, 1978, 7, 361-371.

The general, cooperative commonwealth-state censorship policy in Australia is described, and the special approach to child pornography is discussed. The legislative models for censorship developed in 1973 and 1974 through consultations between the commonwealth and the states make it possible for adults to acquire the full gamut of sexually-explicit material through discreetly store-fronted 'adults only' shops and restricted areas of newsstands and bookshops (other than in Queensland) or through the mail on an interstate basis. What cannot be publicly displayed or sold to those under 18 years of age can still, in most cases, be privately distributed to willing adults. The degree of access to materials is restricted by classifications determined by state boards. Classification is based on the degree of sexual explicitness and depiction and advocacy of crime, violence, or the use of illegal

drugs. Under the classification procedure, there can be publications so objectionable that they are prohibited from sale by any means. One such type of material is child pornography. While the censorship boards in any state are free to ban the sale of child pornography, the Victoria Legislature enacted a law making it an illegal to make, sell, or keep for gain obscene articles portraying children under, or represented as under, the age of 16 years. The purpose of the act is to prevent widespread child abuse by undermining the market for materials which exploit children. The child pornography issue illustrates that the limits of the 'freedom to read/freedom from offensiveness' policies are not yet clear even in the much debated area of sexual content and that the parameters of the legal control on the obscenity of violence have barely begun to be formulated. The appendix provides a table of classification boards for each Australian state.

-Summary abstract

Francoeur, R. T. Sex films. Society, 1977, 14, 33-37.

The problems and ineffectiveness of American sex education stem from the tyranny of a Janus-like sexual idol. We have made sex so sacred, mysterious, and divine (demonic) that it is unmentionable except in alcohol-lubricated party jokes and depersonalized, genital-obsessed pornography. A new approach to sex education is explained, which avoids this hypocritical tyranny by mixing explicit sexual behaviour films, both educational and pornographic, with candid small-group discussions of feelings and attitudes. The basic Sexual Attitudes Reassessment (SAR) workshop is described as currently used with undergraduates at Fairleigh Dickinson University, 4, 1-hour multimedia, multiple-image film sessions are followed by 4 1-hour sessions in which 10 students work through their feelings, emotions, and reactions with trained group leaders. The head-on multiple visual image of explicit films overloads the intellectualizing defenses to help participants focus on their usually suppressed or ignored gut-level emotions. The films are shown in a relaxed, nonclassroom environment with dim lighting to avoid a "peep-show mentality and reaction" to the explicit sex. The origins of the SAR are traced from an initial challenge issued by H. Leif in the early 1960's for medical schools and the contributions of the National Sex Forum and the Multimedia Resource Center are also discussed. The overwhelmingly positive response of participants to the SAR is detailed; outside objective evaluations are not yet available, despite ten years of experience with this technique. Different approaches currently used to incorporate explicit sexual

behaviour films into college and high school courses on human sexuality are reviewed, and their advantages and disadvantages for students, teachers, and educational administrators are discussed.

-Summary abstract

Frederick, R. E. Pennsylvania -- Governor's Convention on Criminal Justice - Police Standards Relating to Police, Courts, Corrections, Community Crime Prevention, Juvenile Justice and Decriminalization, 1975.

Standards are presented that were adopted by the Governor's Convention of Criminal Justice in Pennsylvania, relating to Police, courts, corrections, community crime prevention, and juvenile justice. Each standard consists of a broad goal and specific recommended actions or guidelines to be taken or used by the relevant agency or individual. Offenses recommended for decriminalization include public drunkenness, vagrancy, gambling, prostitution marijuana use and possession, sexual acts between consenting adults, and pornography.

-Summary abstract

Freund, K. A conceptual framework for the study of anomalous erotic preferences. Journal of Sex and Marital Therapy, 1978, 4, 3-10.

Operational definitions are given for the terms "erotic" or "sexual" and "erotic arousal level". Measurement of erotic arousal level is discussed as well as "scales of erotic value," which include consideration of range of behaviour patterns. A reference system for the analysis of the progression of sexual interaction is expounded, which includes: (1) searching for, discovering, and appraising a prospective partner, (2) pretactile interaction, (3) tactile interaction, and (4) genital union. Anomalies from the norm of such a progression are briefly discussed.

-Summary abstract

Friday, P. C., and Sonnad, S. R. Community Survey of Public Attitudes, Knowledge, and Expectations of the Kalamazoo City: Police Executive Summary. Kalamazoo City, Michigan: Western Michigan University, 1978.

Presented are findings of a Kalamazoo, Mich., Police department survey of public

attitudes towards, knowledge of, and expectations regarding police and police services. The public tends to be most knowledgeable about police performance in order functions and expect police to perform a variety of functions and services, even to use radar in traffic control. They rank such duties as 'preventing crime' and 'protecting people' as important while rating such functions as arresting distributors of pornography and dealing with juveniles as nonimportant.

-Summary abstract

Frodi, A. Sexual arousal, situational restrictiveness, and aggressive behaviour. Journal of Research in Personality, 1977, 11, 48-58.

Studied 80 male college freshmen to investigate the hypotheses that enhanced arousal will facilitate subsequent aggressive behaviour and that an increase in aggressive behaviour will be more likely to occur in a setting of situational permissiveness rather than situational restrictiveness. Ss were either angered or not angered by a same-sex confederate, then told to imagine either a sexually arousing or a nonarousing situation during relaxation, and were provided with an opportunity to aggress against this person by means of electric shocks. For half of the Ss, a setting of permissiveness was created, while for the other half the setting was one of situational restrictiveness. Results indicate that, even in a permissive setting, sexual arousal may inhibit aggressive behaviour mediated by self-consciousness or anxiety. For nonaroused Ss, however, situational permissiveness tended to facilitate subsequent aggression. The investigation replicates and extends the study of R. A. Baron (see PA, Vol 53:1082). (19 ref)

-Journal abstract

Fuhr, R. A., Facilitation of sexual arousal through imagery. Dissertation Abstracts International, 1976, 37, 1432.

Further information unavailable at this time.

Funston, R. Y. Constitutional Counterrevolution? The Warren Court and the Burger Court: Judicial Policy Making in Modern America. New York: John Wiley and Sons, 1977.

A discussion is presented of various aspects of constitutional decisionmaking by

the Supreme Court, and Burger. The focus of this volume is on the Supreme Court's efforts in the areas of race relations, legislative apportionment, pornography, religion, and criminal defendants' rights.

-Summary abstract

Gabel, P. C., Noel, N. E., Keane, T. M. and Lisman, S. A. Effects of sexual versus fear arousal on alcohol consumption in college males. Behaviour Therapy and Research, 1980, 18, 519-526.

To compare the effects of pleasant and aversive arousal on alcohol consumption, 18 male undergraduates had 3 weekly sessions to separately view erotic, mutilation, or neutral slides in a simulated memory experiment. Following exposure to the slides, Ss received access to alcoholic and nonalcoholic beverages, which were present to 9 Ss in a taste rating task and to 9 Ss as the result of engaging in an operant leverpress task. Ss believed these tasks to be distractors during a purported retention interval. Self-report instruments and basal skin- conductance confirmed the success of the affective manipulations. However, only the Ss using the taste task after viewing erotic slides significantly increased alcohol consumption. Results question a tension reduction model of drinking and qualify the contribution of autonomic arousal to motivation for drinking. (24 ref)

-Journal abstract

Gaier, E. L., and Hurowitz, L. Adolescent erotica and female self-concept development. Adolescence. 1976, 11, 497-508.

Analyze the themes and content of 100 confession-type articles published in 1973 magazines and compared them to a similar analysis conducted by D. Sonenschein and M. Ross (1971) on 1966 articles. Results indicate (A) that 75% of the story titles in the present study explicitly or implicitly dealt with sex compared to 77% in the 1966 sample; (B) that in 90% of the stories in the present as well as the 1966 sample the narrator was a woman; (C) that there were more women pursuing educational and occupation options in the present sample than the 1966 sample; and (D) that story themes in the present sample accepted and sanctioned sexual freedom and enlightenment more than in the 1966 sample. These shifts are considered representative of major social changes in American life during the early 1970's. It is concluded that although confession-type magazines offer adolescent females a source of information pertinent to the female self-concept and present a more open attitude toward sexual freedom and enlightenment, such magazines are retarding in that they tend to foster traditional stereotypes rather than progressive, creative, or thought-provoking role models and tend to endorse a prescribed: "good girl" moral code rather than responsibility and choice.

-Summary abstract

Garcia, L. T. Sex-Role Orientation and Stereotypes about Male-Female Sexuality. Sex-Roles, 1982, 8, 863-876.

Personality evaluations of human stimuli and predictions of their arousal response to erotic materials (varied by gender and ascriptions of sexual experience) were obtained from psychology undergraduates (78 males, 81 females; 42 of each sex classified as sex-typed, 39 females and 36 males as androgynous) to assess the relationship between subjects' sex-role identification and perceptions of sexuality. Results indicate that: (1) as predicted, the degree of sexual experience ascribed to a female stimulus affected perceptions of her arousal (greater arousal with greater experience), with no experience-based difference found for male stimuli; (2) sexually experienced females were given lower evaluations than the nonexperienced, again with no difference for males; and (3) more stereotyped and "double standard" responses were obtained from sex-typed than from androgynous subjects. The incidental influence of subjects' self-reported sexual experience is also considered.

-Summary abstract.

Garry, A. Pornography and respect for women. Social Theory and Practice, 1978, 4, 395-421.

A conflict appears to exist between the innocuousness of pornography, supported by the view that sex is not an evil to be controlled, and the argument that pornography is intrinsically degrading and exploitative in its treatment of females. The problem is whether all pornography is degrading and exploitative. The work of D. L. Mosher ("Psychological Reactions to Pornographic Films," in Technical Report of the Commission on Obscenity and Pornography, 1970, 8, 255-312) casts doubt on whether pornographic films encourage sexually exploitative behaviour or attitudes. This study does not answer all questions about such effects. It might also be argued that pornography itself treats females degradingly, as sex objects, and is therefore morally objectionable. This attitude can be linked with the assumption that females, but not males, are to be respected for sexual purity, and with the assumption that sex is a form of harm inflicted by males on females. Some possibilities can be identified which would not be objectionable in these ways, and which thus might be less subject to such criticisms.

-Summary abstract

Gastil, R. D. Moral right of the majority to restrict obscenity and pornography through law. Ethics, 1976, 86, 231-240.

This article suggests a framework upon which a viable case may be built and for the constitutional control of pervasive obscenity and pornography may be defined as the use of language or images relating to the body, violence, or sex that exceed the bounds of propriety which a significant portion of the public finds appropriate for the context and requirements of the situation in which they are used. Efforts at control should proceed only after the establishment of the following: a distinction of private from nonpolitical rights to expression, and a plausible case that the majority can claim harm from public obscenity. Regarding the public/private distinction, the majority in a free society is responsible for establishing the laws of the community, while at the same time this responsibility is limited by certain absolute privileges granted to minorities and individuals as a concept of basic rights and freedoms. The problem is to define civil rights in such a way as to preserve a meaningful area of freedom, both for individuals who can form majorities and for individuals who cannot. The difference between political and nonpolitical rights to expression is less constitutionally distinct. Profanity and nudity are sometimes regarded as political expression; random violence may carry a political message. However, if the courts were not so confused by the claim that the first amendment gave an unlimited right to all expression, they might plausibly determine what constitutes an authentic political message. The Supreme Court fails to distinguish between politically and nonpolitically relevant rights. It has decided that a work must have serious literary, artistic, political, or scientific value to avoid an obscene label. The court appears to rest justification of its decision on utilitarian arguments for freedom that may dissolve in the future. In a majoritarian state, freedom of speech must, instead, be protected by a more absolute but less all-inclusive principle that refers to rational political discourse as an ineluctable requirement of political democracy. Since regulation of obscenity limits freedom, and since it has been shown that its existence may bring pleasure to many, its legal restriction in a liberal society cannot be advocated unless a plausible case can be made that failure to restrict obscenity causes substantial harm to majority interests. It may be plausibly argued that once casual sex and violence permeate our lives, they will further reinforce and popularize a diminished view of man. The majority has a moral right to legislate, outside the political realm. What should be permitted in public in a moral society. Representatives of

society can, in the face of obscenity and pornography, make a case for restriction. For legislation or enforcement beyond this, advocates must establish more detailed consequentialist arguments for particular definitions of the concepts of public and private, political and nonpolitical, and obscenity and pornography before a framework of effective control can be constructed or presented. Footnotes are provided.

-Summary abstract

Gecas, V., and Libby, R. Sexual behaviour as symbolic interaction. Journal of Sex Research, 1976, 12, 33-49.

The aim is to apply symbolic interactionism to the area of human sexuality. At the conceptual level, an attempt is made to interpret and view sexual behaviour through the concepts and assumptions provided by the symbolic interaction perspective. Among the areas investigated are: (1) the relation of language and sexual behaviour, with special emphasis on the different dictions employed by distinct groups (i.e. adolescent 'vulgarity' versus the physicians physiological vocabulary versus 'polite' euphemisms), (2) the 'scripting' of sexual experience, 'which specify the parameters for lines of action in given social contexts,' and which are often related to particular philosophies or codes of sexual behaviour in contemporary America ("traditional religious," "romantic," "recreational," or "utilitarian-predatory"), (3) motive and motivations for sexual behaviour, (4) erotic imagery and sexual behaviour, and (5) socialization into sexuality, with particular emphasis on the conflict between parental and peer-group value systems. There is a need for greater emphasis on sex research on the meanings sexual activity has for people. More emphasis on symbolic interactionism would give greater relevance to this central aspect of experience.

-Summary abstract

Geer, J. H., Morokoff, P., and Greenwood, P. Sexual arousal in women: The development of a measurement device for vaginal blood volume. Archives of Sexual Behaviour, 1974, 3, 559-564.

Showed erotic and nonerotic films to 20 undergraduate women. A vaginal photoplethysmograph was developed to measure pressure pulse and vaginal blood volume during film presentations. As Ss yielded a visible increase in pressure pulse amplitude during the presentation of the erotic films. Statistical analyses of the pressure pulse data strongly confirmed ($p < .001$) the visual impressions. In addition

total blood volume in the vaginal wall also increased during the presentation of the erotic film. Subjective ratings of sexual arousal did not correlate with physiological measures. Results indicate that measures obtained from the device appear to be useful for detecting sexual arousal in women.

-Journal abstract

Geer, J. H., and Fuhr, R. Cognitive factors in sexual arousal: The role of distraction. Journal of Consulting and Clinical Psychology, 1976, 44, 238-243.

Instructed according to group assignments, increasingly complex cognitive operations when randomly presented single digits forming 1 channel of dichotic listening paradigm. An erotic tape recording forming the 2nd channel was played into the nonattended ear following a warm-up period. Sexual arousal, as measured by changes in penile tumescence, varied directly as a function of the complexity of the distracting or interfering cognitive operations. Clinical implications and the importance of developing ties between basic behavioural science and sex research are discussed.

-Journal abstract

Geiser, R. L. Hidden Victims - The Sexual Abuse of Children. Boston, Massachusetts: Beacon Press, 1979.

A comprehensive survey of the sexual abuse of children is presented, and the need for public awareness and openness is emphasized. Based on numerous statistical reports designed for a general audience, the study examines various kinds of sexual child abuse: sexual abuse of female children, incest (with emphasis on father-daughter incest); the sexual misuse of male children; child pornography, obscenity, and prostitution; and three cases of children raised in a deviant sexual environment. Sexual child abuse is difficult to prevent since approximately three fourths of the sexual offenses against children are committed by adults whom the child knows and trusts. Since the public attitude of secrecy with regard to sexual abuse is the single greatest obstacle to more effective prevention, specific recommendations for making the offense a public issue are made.

-Summary abstract

Gibbons, F. X. Sexual standards and reactions to pornography: Enhancing behavioural consistency through self-focused attention. Journal of Personality and Social Psychology, 1978, 36, 976-987.

Reports 3 studies which tested the hypothesis, driven from self-awareness theory, that behaviour would be more consistent with personal attitudes or standards when attention was self-focused. In the 1st study, 52 male undergraduates' attitudes toward erotica were measured, and 1 mo later the Ss were asked to rate pictures of nude women, while either self-focused (in front of a mirror) or not. There was little relationship between pretested attitudes and reactions toward the pictures for the non-self-focused group; however, the same relationship was very strong for the group that rated pictures in front of a mirror. In the 2nd and 3rd studies, female Ss (51 and 48 undergraduates, respectively) were first pretested on the Mosher Sex-Guilt Scale. Two weeks later they read and rated pornographic passages, again while either self-focused or not. The relationship between pretested standards (sex guilt) and reactions to sexual literature was weak in the non-self-aware condition, but considerably stronger for the self-focused Ss. Results suggest that focusing attention upon the self tends to inhibit behaviours that are inconsistent with personal attitudes or standards. (35 ref)

-Journal abstract

Gibbons, F. X., and Wright, R. A. Motivational biases in causal attributions of arousal. Journal of Personality-Social Psychology, 1981, 40, 588-600.

Two studies hypothesized that the desire to seek ambiguity as to the cause of a particular state of arousal will increase if either that arousal state or its source is potentially threatening to self-esteem. In Exp I, 22 high and 21 low-sex-guilt male undergraduates (as determined by the Mosher Forced Choice Sex Guilt Inventory) were shown either an arousing erotic movie or a nonarousing movie; in Exp.II, 28 high and 28 low-guilt females were led to believe that they were very aroused by pictures of nude men. Ambiguity was introduced into both situations by means of a bogus, non-threatening, alternative arousal source (a placebo). Results indicate that high-guilt Ss were actively involved in the process of determining which source was arousing them. More importantly, this involvement appeared to be motivated by ego-defensiveness. In both experiments, when high-guilt Ss were confronted by an erotic stimulus, they chose to attribute arousal to the bogus source--and thus create ambiguity as to the actual cause and nature of their arousal--more than did low-guilt Ss. (23 ref)

-Journal abstract

Gilboa, N. When the whip comes down: 300 abusive images of women in the media.
Paper presented at the Illinois Sociological Association; 1983.

A slide presentation combining 300 images from record album covers, department store windows, advertisements, and both soft and hard-core pornography illustrates how such themes as rape, spouse abuse, child pornography, incest, lesbianism, and torture are glorified and trivialized by the mass media. Explored are censorship issues, backlash on the feminist movement, positive portrayals of women, and strategies for change. These materials have been shown to over 350 audiences across the United States, including prisons, churches, high schools, colleges, women's groups, and conferences.

Gilboa, N. The relationship between child pornography and child molestation.
Paper presented at the Illinois Sociological Association, 1983.

According to police and other experts, child pornography (porn) is produced by and for child molesters. This topic is examined with data from interviews with child molesters and experts on the area and newspaper articles on adult-child sexual relationships. It is concluded that while there may be a general relationship between child porn and child molesting, not all those who enjoy child porn are molesters, and not all molesters have seen child porn. It is noted that child porn is still being produced and distributed in the United States, and that more research on this long-neglected social problem is necessary.

-Summary abstract

Glassman, M. B. Community Standards of Patent Offensiveness: Public Opinion Data and Obscenity Law. The Public Opinion Quarterly, 1978, 42, 161-170.

General 'community standards of patent offensiveness' are derived empirically for different types of United States communities. National survey data (from a national probability sample of 2 486 United States adults over 21, who were interviewed in 1970 concerning their attitudes toward and experience with explicit sexual materials) concerning the acceptability of a wide range of visual and textual sexual depictions are subjected to Guttman scale analysis by community type. These analyses indicate that specific community standards, as defined by the median scale response, become increasingly restrictive in the less populated, less urbanized areas of the country. The public policy implications of these findings are also considered.

Gokhale, S. D., Criminal justice system: A review. Social Defense, 1979, 14, 5-13.

Shortcomings in the Indian criminal justice system are reviewed and arguments presented for reforms, such as extensive descriminalization and diversion of cases to channels other than police, court, and prison. Depenalization and decriminalization could be applied to victimless crimes (i.e., pornography, prostitution, sexual misconduct, abortion, euthanasia), intrafamily conflicts, and juvenile delinquency. Thus, the criminal justice system would concentrate on handling severe forms of criminal behaviour, and communities would participate more fully in the treatment of nonviolent offenders.

-Summary abstract

Gonzalez, D. L. A. E. The limits of Freedom of Expression in Denmark. Revista Espanola de la Opinion Publica., 1976, 45, 213-224.

The primary reason fiscal fraud is practically nonexistent and public administration functions so efficiently in Denmark, is liberty of the press. The abolition of numerous judicial regulations, which used to limit freedom of press regarding pornographic matters and the relating of the life of private persons, does not imply greater ideological pluralism. There is a vast cultural and socioeconomic homogeneity within the Danish population making it possible for the legislative and executive powers (not for the judicial one) at present to abolish and disregard previous legislation regarding the press without creating chaos in the field of publicity. Moreover, the Danish radio and television act as one big factor of informative uniformity, due to their programs being directly or indirectly influenced by the sociodemocratic ideology. The greatest concern of the Danish television, reaching all Danish homes, is to make political and cultural programs aimed at creating a homogeneous mentality, sexually free, tolerant, without traditional prejudices, hostile to authoritarian systems in all aspects of life and skeptical towards religions and dogmas. The social effects of the abolition of the majority of the limitations of the freedom of press in matters of pornography and in the private life of persons are not fully known. However, these effects are considered to be positive, in accordance with the reigning political ideology.

-Summary abstract

Granjon, M. C. Women, Language, and Writing. Raison Presente, 1976, 39, 25-32.

A critical survey of arguments put forward by the contemporary French women's movement, whose ideas derive from the theories of J. Kristeva, a French semiotician. To these writers, common language and classical literature reflect the ruling social order which is at the same time bourgeois, phallocratic and rationalistic. But literature is no mere reflection of the socioeconomic structure. Writing can also help alter values and mental habits and effect a deep social change. Women must avail themselves of this opportunity and do away with the present linguistic code which reflects and increases their dependence. If they dare write 'with their bodies' in a carnal, erotic way and in an avant-garde style, breaking away from the logical disembodied standards of classical male literature, they will actually challenge the socioeconomic structure. Questioned is the subversive power of women in writing 'with their bodies' to threaten rationalistic-phallocratic-bourgeois society, given that these three qualities are closely linked.

-Summary abstract

Gray, S. H. Exposure to pornography and aggression toward women: The case of the angry male. Social Problems, 1982, 29, 387-398.

Reviews research since 1970 on the effects of pornography on men's treatment of and underlying attitudes toward women. There is little evidence that exposure to hard-core pornography produces aggressive behaviour in men. However, levels of aggression in already angered men are increased by exposure to hard-core materials. Research on the long-term effects of exposure to pornography and the difference between laboratory-induced anger and deeper anger that is a product of psychosexual development are discussed. It is concluded that anger is a greater social problem than pornography, particularly in men who are unable to resolve it or distinguish it from sexual arousal and control over women. (51 ref)

-Summary abstract

Gray, S. H. Pornography and violence against women: Is there hard evidence on hard-core? Eastern Sociological Society (ESS), 1981, 0134.

The current controversy over the effects of pornography on treatment of and underlying attitudes toward women is examined. Empirical work, done in an attempt to sort out issues raised since the President's Commission on Obscenity and Pornography,

is reviewed. There appears to be little evidence for a relationship between exposure to hard-core pornography and aggressive behaviour in males. However, angered Ms' levels of aggression are generally increased by highly erotic materials. The subtleties of the recent body of literature on the effects of pornography and the implications of current research for "normal" male treatment of women are discussed.

-Summary abstract

Green, R. Sexual identity of 37 children raised by homosexual or transsexual parents. American Journal of Psychiatry, 1978, 135, 692-697.

A study of 37 children who are being raised by female homosexuals, or by parents who have changed sex-21 by female homosexuals, and 7 by male-to female-transsexuals and 9 by female-to-male transsexuals-is presented. The children range in age from 3 to 20 (mean age, 9.3), and have lived in sexually atypical households for 1 to 16 years (mean time, 4.9). Thirty-six of the children report or recall childhood toy, game, clothing, and peer-group preferences that are typical for their sex. The 13 older children who report erotic fantasies or overt sexual behaviours are all heterosexually oriented. 3 Tables.

-Summary abstract

Griffith, M., and Walker, C. E. Menstrual Cycle Phases and Personality Variables as Related to Response to Erotic Stimuli. Archives of Sexual Behaviour, 1975, 4, 599-603.

60 Baylor University undergraduate females, aged 21 and over, were studied to investigate a possible relationship between menstrual cycle phases and erotic stimuli responses, and to examine possible correlations between that response pattern and extraversion and neuroticism as measured by the J. J. and S. B. Eysenck Personality Inventory. Subjects were shown slides of explicitly erotic situations and rated their arousal level while viewing them. Subjects were then divided into 6 equal groups with respect to their position on a 28-day menstrual cycle. Correlations between slide ratings and extraversion and neuroticism appeared at the non-significant level.

-Summary abstract

Griffit, W., Sexual experience and sexual responsiveness: Sex differences. Archives of Sexual Behaviour, 1975, 4, 529-540.

30 male and 30 female undergraduates were shown 5 photographic slides depicting different heterosexual behaviours and 1 slide depicting solitary masturbation by a person of the same sex as the S. Ss rated the extent to which they found each of the slides sexually arousing and pleasant or unpleasant and indicated how many times they had personally engaged in each of the depicted activities. Following exposure to the slides, sexual arousal and emotional reactions were assessed. Contrary to the propositions of A. C. Kinsey et al (1953), female heterosexual experience was equal to or superior to masturbation experience as an indicant of female sexual reactivity to the erotic materials. Among males, masturbation experience was superior to heterosexual experience as an indicant of sexual reactivity. The role of affective reactions to sexual experiences as determinants of sexual responsiveness is discussed.

-Journal abstract

Griffit, W., and Kaiser, S. L. Affect, sex guilt, gender, and the rewarding and punishing effects of erotic stimuli. Journal of Personality and Social Psychology, 1978, 36, 850-858.

40 male and 40 female college students were classified as high or low in sex guilt (HSG and LSG, respectively) using the Mosher Forced-Choice Guilt Inventory. Experimental Ss were shown erotic slides following each 'correct' choice in a discrimination task and nonerotic slides following each 'incorrect' choice. Controls were shown nonerotic slides following all choices. HSG Ss made fewer choice responses leading to erotica than did LSG Ss, and females made fewer erotica-producing choices than did males. HSG and female Ss were less positive in their affective reactions to the erotica than were LSG male Ss. Correlational and regression analyses revealed that sex guilt and gender differences in choice behaviours leading to erotica were predicted solely on individual differences in intensity of positive affective responses. Regardless of sex guilt and gender, for those high in positive affect, the erotic stimuli functioned as rewards, but for those low in positive affect, the stimuli functioned as punishers. (23 ref)

-Journal abstract

Grosser, P. E., O'Connor, P. R., Paterson, N. and Tracy, G. S. Louisiana Criminal Justice Survey - Final Report. Baton Rouge, Louisiana: Louisiana Commission on Law Enforcement and Administration of Criminal Justice, 1976.

This report presents results of a 1975 survey of over 1,600 individuals who were involved with the Louisiana criminal components, the problem of crime, and reform measures are discussed. Over half the respondents stated that gambling, prostitution, sale of pornography, and marijuana possession should be decriminalized.

-Summary abstract

Guenther, A. Prison Rackets. In N. Johnston and L. D. Savite (Eds.), Justice and Corrections. Somerset, New Jersey: John Wiley and Sons, Inc. Order Processing Distribution Center, 1978.

An examination is undertaken of the major types of 'hustles' in the prison community and the artifacts of their operation, because pornographic materials are generally considered contraband, they too have become part of the commodity system. These materials are usually available through inmate merchants on a rental basis.

-Summary abstract

Halpern, J. Projection: A test of the psychoanalytic hypothesis. Journal of Abnormal Psychology, 1977, 86, 536-542.

Investigated classical Freudian projection with 83 male and 105 female college students. After completing the Sexual Defensiveness Scale, Ss selected a most unfavorable other from a group of photographs. The experimental Ss then examined a portfolio containing pornographic material. Following this, all Ss described an unfavorable other and themselves according to a standard list of trait rating scales. Results show that higher sexually defensive experimental Ss denied being sexually aroused and, in accordance with the psychoanalytic hypothesis, projected the highest amounts of arousal (the trait lustful) onto an unfavorable other. This effect was significantly increased when the unfavorable other was a male target and was further increased when female Ss rated male targets. Findings offer support for the concept of classical projection.

-Journal abstract.

Hatfield, E., Sprecher, S., and Traupmann, J. Men's and woman's reaction to sexually explicit films: A serendipitous finding. Archives of Sexual Behaviour, 1978, 7, 583-592.

During a showing of two sexually explicit films to an introductory human sexuality class, some men left during a film of male masturbation and many women during a film of female masturbation. In one study based on this, 58 summer school students saw the same 2 films, and reported their feelings about them, their physiological reactions, and their sexual activities after seeing the films. Both men and women were aroused by watching the other sex, and repelled by watching their own. This could be due either to projected guilt over their own masturbation onto a person of the same sex, or to fantasied involvement with the person masturbating who was of the other sex. In a second study, 556 men and women enrolled in an introductory human sexuality course saw films of male and of female homosexual activity, of male and of female masturbation, and of heterosexual activity between an adolescent couple and between an elderly couple; for each film, or pair of films, 80 students each completed a questionnaire primarily concerned with reactions to the male or female figure(s). In every case, stronger sexual feelings were aroused by the person of the other sex. Men and women do not appear to differ in how arousing they find erotic films.

-Summary abstract

Hansknecht, M. The problem of pornography. Dissent, 1978, 25, 193-198.

Discomfort with pornography and rejection of censorship often create a dilemma for judgments about public policy. Studies have shown that pornography does not have many of the harmful effects traditionally attributed to it. However, the current flood of pornography makes arguments for restrictions more attractive. One argument says that pornography undermines society, but in fact it normally takes existing institutions entirely for granted and is unlikely to have any undermining effect. An alternative approach would be modest regulation under zoning laws and the like, recognizing that greater restrictions would be more burdensome. Lionel Abel (State University New York, Buffalo) argues that pornography itself is a display of uncivilized behaviour, whose main effect on sex is to trivialize it. George P. Elliott (Syracuse University, NY) basically agrees that pornography is offensive, censorship even more offensive and sequestration the best compromise. Cynthia Fuchs Epstein (Queens College, Flushing NY) contrasts the tradition of men's groups seeing pornographic films with the solitary experience of contemporary pornography. People who refuse to judge pornographic materials often are quite ready to judge other aspects of life from grammar to political systems; pornography also merits judgment. Irving Howe finds pornography repulsive on imaginative and aesthetic grounds, and recommends its sequestration. David Spitz notes that many people find open displays of pornography offensive, but identifies such dangers as censorship, public noncompliance and disrespect for law, discrimination against the poor and destruction of morality by denying freedom of choice. In A Rejoinder, Hausknecht finds excessive readiness to invoke the state in the name of morality a serious danger. Zoning and similar measures are likely to defuse the movement toward introducing censorship.

-Summary abstract

Haward, L. R. Admissibility of psychological evidence in obscenity cases. Bulletin of the British Psychological Society, 1975, 28, 466-469.

Discusses two court cases in England that set adverse precedents regarding the admissibility of psychological evidence in defense of allegedly obscene materials. One case involved a separation of the proceedings into 2 parts, with the obscenity judgment to be made first and followed, if necessary, by the testimony of the defense experts, the other case involved a ruling of defense evidence as inadmissible on the basis of the argument that the allegedly obscene materials could not both corrupt and be for the public good.

Hay, A., Soothill, K., and Walby, S. Seducing the public by rape reports. New Society, 1980, 53, 214-215.

To examine the effectiveness of GB's Sexual Offenses Act of 1976, which restricts the publication of details of rape cases, newspaper reports of rapes were studied for 1971 and 1978 in the Daily Mirror, The Times, the News of the World, the People, and the London Evening Standard. The reporting of rape increased 40% during this period. Although there were no violations of the law concerning the reporting of victim's or defendants' identities, the press has exploited opportunities to describe the victim's sexual relationships, marital status, and lifestyle. The Act has not resulted in the expected decrease in rape reporting. The press is using the occurrence of rape and other sex crimes to create soft pornography and sell more newspapers.

-Summary abstract

Heath, E. D. Police problems in enforcement of laws pertaining to obscenity and sex-related criminal offenses. Police Chief, 1978, 45, 52-54.

An overview of problems encountered by police administrators in enforcing laws pertaining to obscenity and sex-related offenses is presented. Seven broad vice-related problems to be resolved by police administrators are identified: (1) act between the person desiring a service and the person who provides that service; (2) in many jurisdictions, the party who receives the illegal service is also violating the law as an accessory to the crime; (3) community attitudes often reflect a high level of tolerance toward certain vice activities; (4) there are frequently conflicting pressures on the police from the community; (5) organized crime or a criminal element is usually drawn into vice activities in urban areas; (6) vice-related crimes often foster or can be directly linked to murder, assault, kidnapping, loan sharking, burglary, theft, and extortion; and (7) in many jurisdictions, obscenity and sex-related offenses are classed as misdemeanors, specific problems of the police relate to prostitution (rap parlours, escort service, nude model picture parlors, massage parlours, bikini wrestling studios, and nonalcoholic clubs), obscene-movies and shows, live sexual acts, and the use of female undercover police officers. Legal problems in the enforcement of laws on obscenity and sex-related offenses concern fourth amendment arrests, searches and seizures, and expectations of privacy, entrapment, the admissibility of testimony and the accomplice witness testimony rule.

-Summary abstract

Heiman, J. R. Responses to erotica: An exploration of physiological and psychological correlates of human sexual response. Dissertation Abstracts International, 1975, 36, 2472.

See Heiman, J. R. (1977) for further detail.

Heiman, J. R. A psychophysiological exploration of sexual arousal patterns in females and males. Psychophysiology, 1977, 14, 266-274.

Investigated sexual arousal using 59 female and 39 male undergraduate Ss in 6 experimental groups. Ss within each group were given the Personal History Questionnaire for placement on a sexual experience continuum, were exposed to a series of 4 audiotape series. Tapes varied in their erotic and romantic content, and 2 sex role dimensions were also varied across tapes. Dependent measures included scaled subjective reports, genital pulse amplitude and blood volume responses, heart rate, and finger pulse amplitude. Results show that erotic contents were significantly more sexually arousing than nonerotic contents for both sexes. Romantic content did not significantly enhance the facilitation of sexual arousal. Nontraditional sex roles were significantly more arousing for females, with a similar nonsignificant trend for males. There were significant correlations between genital pulse amplitude and subjective reports of arousal; however, for females the genital blood volume measure showed less reliable agreement with subjective report. Genital pulse amplitude was the most reliable and precise indicator of arousal and accounted for the most variance across conditions. Although Ss were able to become aroused by fantasy alone, listening to erotic tapes did not facilitate their ability to be sexually aroused during fantasy. (39 ref)

-Journal abstract

Heiman, R. Females sexual response patterns: Interactions of physiological, affective, and contestual cues. Archives of General Psychiatry, 1980, 37, 1311, 1316.

55 21-58 yr old females, 27 of whom were married, participated in 2 psychophysiological laboratory sessions and completed a questionnaire. During each laboratory session, physiological and self-reported sexual arousal were measured in response to an erotic tape, film, and self-generated fantasies. Vaginal pulse amplitude responses showed married women to be less aroused to erotic materials during Session 1 but not Session 2. Self-reported sexual arousal was correlated with vaginal

response only in the unmarried sample and only during the tape and films of Session 1. Subjectively reported sexual arousal was also correlated with a constellation of positive affective states. Generally, negative correlations were found between vaginal reponse in the laboratory and reported sexual responsiveness at home.

(26 ref)

-Journal abstract

Heiman, J. R., and Hatch, J. P. Affective and physiological dimensions of male sexual response to erotica and fantasy. Basic and Applied Social Psychology. 1980, 1, 315-327.

Examined several hypotheses about the affective and physiological response during erotic and nonerotic auditory tapes and during self-generated fantasy in 16 19-63 yr old males. Measures of penile circumference, heart rate, affective states, perceived physical responses, and self-reported sexual arousal were compared. Results show that positive affective states were correlated with penile maximum circumference and latency, although some negative states were also correlated with latency. Aggression was correlated with maximum penile response to the erotic tape. A variety of self-reported genital and nongenital responses were correlated with penile response to the erotic tape and fantasy, but only nongenital self-reported responses correlated with penile latency during the control tape. Results show the importance of the interaction of affect, self-reported sexual arousal, and genital sexual response in the conceptualization of male sexuality. (35 ref)

-Summary abstract

Heiman, J. R., and Rowland D. L. Affective and physiological sexual response patterns: The effects of instructions on sexual functional and dysfunctional men. Journal of Psychosomatic Research, 1983, 27, 105-116.

Instructed 14 sexually dysfunctional men (aged 25-55 yrs) and 16 sexually functional men (aged 21 -52 yrs) to listen to 2 sexually explicit tapes and engage in a self-generated fantasy, while genital, heart rate, and scaled cognitive affective responses were recorded. Two types of instruction, a performance demand set and a nondemand sensate focus set, preceded the erotic tapes in counterbalanced order. As predicted, dysfunctional Ss showed less genital tumescence to tapes preceded by the demand than the nondemand instructions. Contrary to expectation, functional Ss showed greater penile tumescence to the tapes preceded by demand instructions. Self-reported sexual arousal did not follow the penile tumescence pattern but instead indicated that

the dysfunctional sample was significantly less subjectively aroused to the tapes and fantasy. Dysfunctional Ss showed greater general psychological distress, including elevated somaticism, anxiety, and depression. During the experimental session, dysfunctional Ss also evidenced greater awareness of a variety of physiological responses, as well as more negative and fewer positive cognitive-affective and physiological responses, differences in contextual meanings of instructional sets given the presence of a dysfunction, and theoretical and clinical conceptualizations of male sexual functioning. (21 ref)

-Summary abstract

Heinrich, B. Extent of Child Pornography in Texas. Austin, Texas: Texas Legislature House Select Committee on Child Pornography, 1978.

This legislative report on child pornography (CP) in Texas discusses the extent of CP in the state, sources and distribution of CP, sexual offenses against children, and the judicial and community response. Child Pornography in Texas consists of books, pamphlets, films, and other materials and often features children forced into sexual acts. Pornography sales in Texas total up to \$41.7 million a year. Although CP is no longer available over the counter, suits filed in other states indicate that Texas mail-order CP is voluminous. Although only courts and not postal inspectors may judge materials obscene, sending them through the mails is a felony. Advice is given to help citizens stop mail deliveries of obscene materials. National or local organized crime groups distribute about 80 percent of the pornography in Texas. Although Texas law prohibits sexual acts with children, gaps in the law do exist, penalties are often too light, and many such crimes are never reported. But childrens' trauma is serious in 93 percent of all reported cases. Final sections discuss child prostitution, death of children through sexual abuse, federal and state investigation and prosecution, and the effectiveness of the criminal justice system in combatting CP. Since CP is a form of sexual abuse, it should be controlled by cooperation between various welfare and police agencies, improved public education and special police training. Numerous specific legal recommendations are included. Tabular data are presented.

-Summary abstract

Hemphill, R. W. Individual fights in a changing society. from: Right to Privacy Versus the Right to Know - Contemporary Issues in Information and Privacy. Georgia: University of Georgia, 1978.

The right of privacy and the conflicting constitutional issues involving the public's right to know and to be informed are examined using relevant case law and constitutional amendments as background. Discussions include topics of obscenity and pornography.
-Summary abstract

Henson, D. E., Rubin, H. B., Henson, D., and Williams, J. R. Temperature changes of the labia minora as an objective measure of female eroticism. Journal of Behaviour Therapy and Experimental Psychiatry, 1977, 8, 401-410.

Developed a device that allowed for the objective assessment of human female eroticism by continuously measuring temperature changes of the labia minora. During exposure to an erotic motion-picture, 9 of 10 adult female volunteers experienced increases of their labia minora temperature (ranging from about 0.10°C to 1.38°C), as measured by a sensitive thermistor-clip, that were significantly higher than during a nonerotic film. The labial temperature of the remaining S decreased by a small amount during the film. No consistent changes were exhibited in a reference temperature measured from a position on the upper chest during either stimulus condition. Subjective levels of eroticism, obtained by self-report, were significantly correlated with labial temperature changes elicited by the stimuli.
(31 ref)

-Journal summary

Henson, D. E., Rubin, H. B., and Henson, C. Consistency of the labial temperature change measure of human female eroticism. Behaviour Research and Therapy, 1978, 16, 125-129.

Studied 6 23-36 yr old female volunteers to determine the consistency of their pattern of sexual arousal to 2 erotic films over 2 experimental sessions. Sexual arousal was assessed objectively by continuous measurement of temperature changes of the labia minora and subjectively by periodic self-ratings. Each S developed increases in labial temperature, during both film presentations that ranged from about 0.10°C to 1.36°C above basal levels. The amount of temperature change during the 1st film presentation was significantly correlated with that during the 2nd film, and there

was a reasonable degree of consistency across the 2 sessions with regard to the rate at which the S's labial temperature subsided towards basal levels after the cessation of erotic stimulation. Labial temperature changes and subjective ratings were also significantly correlated during each of the 2 film presentations. (18 ref)

-Journal abstract

Henson, D. E., Rubin, H. B., and Henson, C. Labial and vaginal blood volume responses to visual and tactile stimuli. Archives of Sexual Behaviour, 1982, 11, 23-31.

The response patterns of 2 main objective psychophysiological measures of sexual arousal to different methods (and intensities) of sexual stimulation (i.e., an erotic film and manual self-stimulation). Both measures usually covaried significantly during both types of stimulation, with the largest responses evoked by the physical stimulation. The response patterns for the 2 measures were similar following both methods of stimulation if S did not experience orgasm; both measures decreased to some extent after stimulation ended but usually remained well above the prestimulatory baseline. The vaginal blood volume measure decreased dramatically during orgasm and then increased to at least the preorgasmic level that occurred during stimulation. The labial measure did not change during orgasm but decreased relatively soon after. (12 ref)

-Summary abstract

Herrell, J. M. Sex differences in emotional responses to "erotic literature". Journal of Consulting and Clinical Psychology, 1975, 43, 921.

32 males and 32 females read either a chapter from C. Willingham's Eternal Fire, an erotic and essentially exploitative passage, or a series of sections from Lady Chatterley's Lover which were modified to portray a clearly positive sexual experience for Lady Chatterley. Data from the Differential Emotions Scale and the Sexual Arousal Scale indicate that sex differences in response to erotic literature are complex and depend on the interpersonal as well as the erotic content of the passages.

-Summary abstract

Hewitt, W. H. Nonvictim crime: Some police perspectives. In J. E. Scott and S. Dinitz (Eds.), Criminal Justice Planning. New York: Praeger Publishers c/o Holt, Rinehart, Winston, 1977.

Law enforcement aspects of victimless crimes -- sex offenses, drug addiction,

drunkenness, and gambling -- are discussed, and recommendations for dealing with victimless crimes are offered. Sex offenses that generally fall within the victimless crime category are prostitution, homosexuality, and pornography. It is pointed out that millions of tax dollars are wasted attempting to enforce pornography and prostitution laws. Greater regulation of the business side of pornography is suggested as an alternative to police intervention. It is pointed out that, by placing police in the midst of these activities, police corruption is promoted.

-Summary abstract

High, R. W., Rubin, H. B., and Henson, D. Color as a variable in making an erotic film more arousing. Archives of Sexual Behaviour, 1979, 8, 263-267.

Eight 22-34 yr old males participated in a counterbalanced, repeated-measures design to determine the relative efficacy of colour and black-and white visual sexual stimuli in eliciting sexual arousal, as objectively measured by mercury in rubber strain gage transducer. There were no consistent or significant differences in either the intensity or the pattern of penile responding during color and black-and-white presentations of the same film. (10 ref)

-Journal abstract

Hinton, J. W., O'Neill, M. T., and Webster, S. Psychophysiological assessment of sex offenders in a security hospital. Archives of Sexual Behaviour, 1980, 9, 205-216.

Studied the sexual orientation and responsiveness of male sexual offenders, in a maximum security hospital who had been referred to the psychology department for sexual assessment. Correlations between 'felt sexual arousal' ratings and penis diameter increases were calculated to assess validity, but a high proportion of detained patients gave results that could be interpreted as indicating defensiveness or faking. Groups of sexual offenders (against women, girls, boys, and men), nonsexual attackers of women, and typical heterosexuals were compared on their response to films showing consenting heterosexual activity film, but typical heterosexuals and nonsexual attackers of women showed significantly less response to the film of girl abduction and rape than did groups of sex offenders generally. (14 ref)

-Journal abstract

Hood, R. W. Jr., and Hall, J. R. Gender Differences in the Description of Erotic and Mystical Experiences. Review of Religious Research., 1980, 21, 195-207.

Using 3 different samples (total number of cases = 302 volunteer psychology students), data from self-reports of sexual and mystical experiences and forced-choice utilization of agentive and receptive words to describe both mystical and erotic experiences offer at least partial support for predicted gender differences in descriptions of erotic and mystical experiences. As predicted, females used receptive language to describe both erotic and mystical experiences, while males used agentive language to describe erotic experiences, but not mystical experiences. The failure of males to use agentive language for mystical experiences is discussed in terms of the historically documented difficulty of males in experiencing union, agentively expressed, with a masculinely conceptualized god image. 1 Table

-Summary abstract

Hoon, E. E., Hoon, P. W., and Wincze, J. P. An inventory for the measurement of female sexual arousability: The SAI. Archives of Sexual Behaviour, 1976, 5, 291-300.

Description is given of a self-report Sexual Arousability Inventory (SAI) developed for use with women in sexual therapy concerned with sexual dysfunction. 28 erotic experiences, factor loaded along 5 underlying dimensions (foreplay, vicarious arousal with media stimuli, breast stimulation, preparation prior to and participation in intercourse, and genital stimulation by or of partner), were rated on a 7-point Likert type scale to arrive at a sum score of sexual arousability. Validation and cross-validation samples (number of cases = 151; number of cases = 134), a 131-item pool for selection of valid items, and split-half/test-retest coefficients of reliability were assessed. Ease of administration and scoring, use across marital statuses and sexual preferences, and provision of norms and alternate forms enhance the SAI for clinical use and for future research. Because the samples used for validation and cross-validation were comprised of middle class and upper middle class North American women, applicability for use with women from other socioeconomic status and ethnic origins must be established.

-Summary abstract

Houston, J. A. Capturing policies of pornographic pictorial representations by normative judgment analysis. Dissertation Abstracts International, 1974, 34, 5713-5714.

See Houston, J. A. (1974) for further detail.

Houston, J. A., and Houston, S. R. Identifying pornographic materials with judgment analysis. Journal of Experimental Education, 1974, 42, 18-26.

Tested the Judgment Analysis (JAN) methodology for determining what is pornographic with 3 groups concerned with this issue. These groups included 28 doctoral students majoring in psychology, counseling, and guidance; 21 lawyers; and 25 police officers. JAN proved to be an effective technique in the identification of policies. It is concluded that the problem of what is pornographic is a complex one, as evidenced by the many specific categorical and complex policies present in the 3 S groups.

-Journal abstract

Houston, J., Houston, S., and Ohlson, E. L. On Determining Pornographic Material. Journal of Psychology, 1974, 88, 277-287.

21 lawyers, 25 police officers, and 28 psychology doctoral students were given 100 stimulus profiles descriptive of pictorial pornographic representations and were asked to rate each of the profiles on a 5-point pornography policy scale. The judgment analysis technique (JAN) was successfully utilized in capturing both specific and complex policies. Specifically, the JAN technique captured 39 out of 59 usable policies in identifying the pornographic material for the 3 groups of judges. The variety of policies present suggests that although the question of what is pornographic is not a simple one with a readily available solution, the JAN technique is probably more effective than any other analysis when investigating the composition of pornographic material.

-Journal abstract

Houston, J., Houston, S., and Ohlson, E. L. The atypicality of pornography and public policy: A pilot investigation. Psychology, 1974, 11, 3-7.

28 psychology, guidance, and counseling doctoral students were administered an 11-item

profile for each of 100 pictorial representations which were analyzed by the Judgment Analysis technique. Results show that the technique was successful in capturing and explaining the policies (specific and complex) of what constitutes pornography.

-Summary abstract

Houston, L. N. Romanticism and eroticism among black and white college students. Adolescence, 1981, 16, 263-272.

To obtain current verification of the relationship between eroticism, romanticism, and sexual identity, a 27-item questionnaire was administered to 1,142 black and white university students of both sexes. Results indicate that males were more erotic than females, females were more romantic than males, and that the discrepancy was greater for blacks than for whites. Although black males were more erotic than white males, there were few differences between black and white females.

(11 ref)

-Summary abstract

Huer, J. H., and Estill, B. L. Victimless crimes as pleasure activities: The issue revisited. Paper read at the MSSA meeting. Jackson, Mississippi, 1978.

This paper deals with the cultural problem of victimless crimes. i.e., the relationship between American cultural values and deviant behaviour in victimless crimes within the conceptual framework of the American social creed. This article examines the conventional arguments for and against criminalizing and punishing victimless crimes in a pleasure-oriented and freedom-worshipping society. A critical examination of the arguments in favour of and against criminalizing allegedly harmless deviant behaviour results in the conclusions that both sides advance arguments lacking in logic and evidence. The problem of cultural emphases in American society is then discussed, involving a fundamental examination of the pursuit of happiness in American tradition. Such emphases include the emphasis on freedom; the pursuit of physical comfort and pleasure, and the importance of legal constraints in the absence of inhibiting mores and folkways. This paper concludes that the problem of victimless cannot be resolved unless the ambivalence in American values is resolved first. According to the papers, such a fundamental reexamination is within the scope of contemporary sociology. Ten footnotes containing bibliographic references are appended.

Huvos, K. The eroticization of the American woman in French literature. The French Review, 1976, 49, 1062-1071.

The image of the American woman in French literature has gone through a radical transformation in the past several centuries. Whereas in the 18th and early 19th century, French authors paid homage to the purity of the American woman's morals to her prenuptial chastity, and her conjugal fidelity, in the middle of the 19th century a process of desacralization began that accelerated to the beginning of the Great War. More and more often, in the novel and in the theater, the American female character appears as the adventuress and femme fatale, whose charm is equalled only by her immorality. Since then, in the period between the wars and in the decade immediately following the liberation, the process seems to have calmed down. However, it was taken up with a renewed vigor in the eroticizing verve of authors has broken loose; stories in which the American woman is depicted in the character of the depraved, the drugged, the nymph, the nymphomaniac, the perverted, and the lesbian have singularly multiplied. The reasons for this evolution which from the 18th to the 20th century has brought about an image diametrically opposed to the original portrait, can only be a matter of conjecture. Among the factors behind desacralization can be cited the general evolution of sexual morality in the West, including France and the United States, and changes in the image of the American woman in American literature, Hollywood, and underground films. The anti-Americanism of contemporary French literature contributed equally to the demythification of the American woman. The phenomenon seems to be a rite of purification, summoned to restore to the writer and to his reader their own illusions of purity and innocence.

-Summary abstract.

Iacouetta, R. G. Aquatic Crime - A new horizon in criminal justice research.
International Journal of Comparative and Applied Criminal Justice, 1977, 1,
39-46.

Aquatic crime refers to incidents of criminal activity that occur on or with the aid of waterways such as rivers, lakes, and oceans, includes literary material including pornography .

-Summary abstract

Ingstrup, O. Development of the Danish criminal justice system in the 1970's.
Interagency Workshop - Annual, 14, 67-73.

Trends in crime and corrections in Denmark in the 1970's are discussed. In 1960, Denmark reported 125,000 crimes in a population of about 5.2 million. This increased to about 307,000 offenses in 1977, with most of the increase attributed to the growth in property crimes. During the same period, changes in the criminal code have occurred in the areas of the decriminalization of pornography, certain homosexual behaviour and abortion under certain circumstances. A major revolution in a correctional policy can be seen in a commitment to depenalization, particularly for minor property crimes (under \$200 where domicile intrusion and violence are not involved). Paralleling this trend is an emphasis on community-based, noninstitutional treatment programs. This has led to the reduction of the average daily number of inmates from 3,458 in 1970 to 2,953 in 1978. The Danish prison system has 15 prisons and about 40 local jails. One-third of the total prison population is in open prisons and two-thirds in closed (walled) establishments. Furloughs, generally for rehabilitation purposes, have increased in the 1970's for prison inmates in open institutions. A recently built prison housing 100 young adults allows male and females in the same living units without restrictions on sexual contact. Inmates are expected to do their own cooking and laundry. While it is too early to provide scientific evidence for the success of the experiment, no obvious negative impacts have been observed. Rehabilitation programs, both in prison and upon probation, are voluntary, a policy based on the belief that rehabilitation services are most effective when not yoked to sentence conditions.

-Summary abstract

Jaffe, Yoram. Sexual stimulation: Effects on prosocial behaviour. Psychological Reports, 1981, 48, 75-81.

Exposed 20 unprovoked male, undergraduates to sexual stimulation via 2 different modalities and their choices of aggressive vs prosocial behaviour were compared with those of 20 unprovoked Ss exposed to 2 different types of control materials. A modification of the Buss Aggression Machine was used for this purpose. While both groups strongly preferred the prosocial response alternative (indication of correct response as feedback for incorrect responses) over the aggressive one (administration of electric shock as punishment for correct responses), sexually aroused Ss made fewer aggressive and more prosocial choices than nonaroused Ss. This finding is consistent with the theoretical proposition that general arousal will facilitate the dominant prepotent response of the response alternatives available to the S. (21 ref)

-Journal abstract

Jaffe, Y., and Berger, A. Cultural generality of the relationship between sex and aggression. Psychological Reports, 1977, 41, 335-336.

The present research reports a successful replication of aggression-facilitating effects of exposure to sexual stimulation reported by Y. Jaffe et al (1974) in the US. Results of an experiment with 29 Israeli undergraduate women demonstrate that sexually aroused Ss behaved more aggressively than when nonaroused and support the notion that the positive relationship observed between sexuality and aggression is a cross-cultural phenomenon.

-Journal abstract

Jamy, H. S. D. Innovations in the criminal justice system in Pakistan (From: Innovations in Criminal Justice in Asia and the Pacific, 1979, by William Clifford and S. D. Gokhale. Australian Institute of Criminology,) 1979, 37.

Pakistan aims to bring all laws into conformity with the tenets of Islam. Reforms in all areas of law, made since independence in 1947, are described, with emphasis on international aspects of crime. This historical perspective of the Pakistani judicial system shows a legacy of British rule and Islamic jurisprudence. Pakistan enforces stringent laws against obscenity, sexual offenses and immoral films.

-Summary abstract

Jarrige, A., Fouraste, F. F., Charbrol, H., and Moron, P. New aspects of female delinquency: An offense with violence committed by three young women. Annales Medico-Psychologiques, 1979, 137, 839-843.

Current trends in crimes committed by females are illustrated. Crimes are marked by sadistic eroticism and impulsiveness.

Jones, R. N., and Joe, V. C. Pornographic materials and commodity theory. Journal of Applied Social Psychology, 1980, 10, 311-322.

40 male and 40 female undergraduates received an experimental booklet containing either pornographic or nonpornographic pictures. Prior to seeing the pictures, half of the Ss of each sex were informed that the photographs came from magazines for adults only, while the other half received no such information. Ss rated the desirability of the pictures as well as their liking of and desire to read and purchase such materials prior to and after viewing the pictures. Ss who were not given age restriction information rated the yet unseen pictures as more desirable than Ss who received age restriction information. Ss who were given age restriction information rated the already seen pictures as more desirable than Ss who received no age restriction information. Males rated pornographic pictures more favorably than females. Ss in the age-restriction-information condition expected the yet unseen pictures to be more pornographic than Ss in the no-age-restriction condition; and Ss, after seeing the stimuli, rated nonpornographic pictures as more desirable than pornographic pictures. There was no support for the hypothesis that the effect of age restriction is an anticipatory phenomenon. (6 ref)

-Journal abstract

Juvenile Delinquency - Annual Report, 1977. Report of the Senate subcommittee to investigate juvenile delinquency, 95th Congress, 2nd session, April 12, 1978. Washington, D. C: United States Congress Committee on the Judiciary, 1978.

Subcommittee activities for 1977 are reported in the general areas of juvenile delinquency prevention and control, protection of children, included a wide range of studies, investigations, and hearings, and the development of legislation relating to juvenile justice and sexual exploitation of children, hearings on child pornography and prostitution have been held.

-Summary abstract

Kant, H. S., and Goldstein, M. J. Pornography and its effect (from: Crime in Society
By D. Savitz and Johnston. New York: John Wiley and Sons, 1978.

To gauge the effects of pornography on behaviour, 60 deviants admitted to the Atascadero State Hospital in California were interviewed, along with a control sample of 133 caucasian males from Los Angeles. A trained interviewer spent 2 hours with each subject, questioning him on 276 items covering demographics, sex attitudes, sex history, fantasies, and exposure and reaction to pornographic books, photographs, movies, and live shows. The results indicate that the fear that increasing exposure to erotic materials will twist young minds, lead to depravity, and encourage sex crimes is groundless and that some exposure to pornography may be salutary. For example, the rapists in the patient sample had seen less pornography as teenagers than a comparable faction of the controls. The same was true for child molesters. In fact, the normal adults in the sample reported more experience with pornography as teenagers than any deviant group represented within the patient sample; as adults, they continue to see more erotica than sex offenders. In all the groups, masturbation had been the most common adolescent response to pornography. Both deviants and pornography users said that, as adults, they continue to masturbate when stimulated by erotica. The normal group, however, reported that heterosexual activity is their most common release when aroused by pornography. In general, it was found that pornography cannot be shown to trigger any identifiable, specific form of sexual deviance. Family background and current attitudes seem more likely determinants. Tabular and graphic data are included. No references are cited.

-Summary abstract

Kaplan, J. Edward G. Donley Memorial Lecture: Non-victim crime and the regulation of prostitution. West Virginia Law Review, 1977, 79, 593-606.

This paper discusses the concept of regulating prostitution; arguments against decriminalization are explored, and prostitution is considered in the context of other consensual or victimless crimes. In one sense, it is inaccurate to call gambling, drug offenses, homosexuality, pornography, and prostitution victimless crimes. Participants, their families, and society in general must be considered victims of such activities. Laws forbidding these activities have strong moral and emotional overtones. Although there are many similarities in the problems presented by the various victimless crimes, there are important differences among them; a legal arrangement which will lessen the problems caused by one may not work with respect to another.

KeBler, B. H., and Schwickerath, J. Reactions to erotic stimuli and their relationship to biological and psychological sex - Psychologische Beitrage, 1981, 23 421-433.

Hypothesized differences in erotic reactions between men and women (biological sex) and between masculine, feminine, and androgynous men and women (psychological sex). The stimuli were presented to 40 male and 40 female university students in the form of 42 slides that were classified according to 'arrangements of men and women in the picture' and 'romantic vs pornographic.' In general, both sexes were moderately stimulated by the slides, men somewhat more strongly than women. Both sexes were also more aroused by pornographic pictures than by romantic-erotic ones. Results show a qualitative difference in the reactions of men and women. Data support the thesis that men tend to react in the sense of objectification, women more in the sense of identification. (28 ref)

-Journal abstract

Kenrick, D. T. et al. Sex differences, androgyny, and approach responses to erotica: A new variation on the old volunteer problem! Journal of Personality and Social Psychology, 1980, 38, 517-524.

In Study 1, 52 male and 41 female college students were ostensibly given a choice between a hard-core 'lustful' film and a soft-core 'loving' film. Consistent with predictions, results indicate relatively less approach of the lustful theme film by females. Study 2 was a field experiment in which 43 female and 41 male college students were contacted by telephone and asked to volunteer for an experiment involving erotica or one involving perception of geometric figures. Females were less likely than males to volunteer for a study involving erotica, regardless of whether it was described as hard- or soft-core in nature. Results for Ss who had completed the Bem Sex-Role Inventory indicated that the effect was obtained only for sex-typed (vs androgynous) Ss. The possible influence of S self-selection on laboratory studies in this area is considered.

-Summary abstract

Kirkpatrick, R. G. Collective consciousness and mass hysteria: Collective behaviour and antipornography crusades in Durkheimian perspective. Human Relations, 1975, 28, 63-84.

Used 4 field research techniques (nonparticipant observation, document search, and unstructured and structured interviews) to study antipornography campaigns, one in an industrialized northmidwestern US city, and the other in the capital of a southwestern state. It was determined that style of deviance determined the level of community response. A collective behaviour theory is developed which predicts severity of outburst according to the degree to which the crime is publicly designated a flagrant threat to the collective consciousness. (28 ref)

-Summary abstract

Kirschner, N. M. Effect of need for approval and situational variables on the viewing of erotic material. Journal of Consulting and Clinical Psychology. 1976, 44, 869.

Conducted a study in which erotic and nonerotic magazines were made available in a waiting room to 19 high- and 19 low-need-for-approval- Ss. Results support the hypothesis that low-need-for-approval individuals are more influenced by available situational cues than their counterparts. The data do not support the hypothesis that high-need-for-approval individuals display low levels of sexual responsivity across situations.

-Summary abstract

Klein, D. Violence against women: Some considerations regarding its causes and its elimination. Crime and Delinquency, 1981, 27, 64-80.

Violence against women is identified as an outcome of the social structure and ideology of gender domination. Its very definition is problematic and political, related to changes in women's place in male-dominated society. Specific crimes against women-eg. the outlawing of birth control and abortion, rape, witch hunting, and wife battering-are grouped and analyzed as originating in female subordination in the gender-specific arenas of reproduction, sexuality and nurturance. Despite recent formal legal gains by women, their increasing participation in the waged labor force, neither individual nor systematic violence against them has apparently slackened. This is related to the fact that as traditional patriarchy is absorbed by the rule of the state, public institutions, and medicine over 'personal' life, male domination is transformed rather than eroded. A qualitatively different development is the achievement of the feminist movement in exposing, defining, and challenging abuses of women. It is suggested that feminist strategies to use the

criminal justice process to achieve liberation, as evidenced by legal reform movements with regard to pornography and family violence, should take into account the limitations of structure whose predominant determinants are the protection of economic order and ideological legitimacy.

-Summary abstract

Klenow, D. J., and Jeffrey, L. Selected characteristics of the X-rated movie audience: Toward a National Profile of the Recidivist. Sociological Symposium, 1977, 20, 73-83.

Data from the 1,504 respondents in the United States 1973 General Social Survey were utilized to provide a descriptive profile of the x-rated movie attender. In addition, a correction factor was computed to purify the audience profile and delineate the actual or potential mean-rated movie recidivist. The uncorrected results tabulated from the 1973 survey revealed that 378 or 25.1% of all respondents acknowledged attendance at such a film in the last year. The correction factor reduced the actual or potential recidivist audience to 316, or 21% of the total sample. Further cross tabulations indicate that the actual or potential recidivist is most frequently identified as a young single male with at least a high school education. Additionally, this individual would probably not identify with a particular religious affiliation and seldom, if ever, attend church services. Typically, this patron would not reside in a rural community, but rather appear in a more populated area in the eastern or western regions of the United States. In general, the characteristics of the mean-rated movie audience closely approximate those of an anticensorship group (Proporns) and the heavier users of erotic materials.

-Summary abstract

Knight, R. Prevention before repression. Polizia Moderna, 1978, 30, 16-21.

The inspector of police of Victoria, Australia, compares the findings of a British police commission (1962) on desirable police priorities. In sum, while individual police officers must remember that their task is to enforce specific laws and ordinances, not their personal views on morality and acceptable social behaviour, the basic objectives of law enforcement remain preventing crime and public disorders and keeping the peace (for the security of society and protecting the life, property, and personal freedom of the citizens (for the security of the individual). Discusses pornography in the context of changes in sexual mores.

Knipe, E. The semantics of sex: An analysis of 8 mm 'porn' movies. Paper presented at the Southern Sociological Society: 1978.

Findings are reported of a study to determine the 'language' characteristics of film. Because of the similarity of subject matter and total length, forty-one 8mm 'porn' movies were sampled. These were analyzed for both their syntactical and semantic content. Film syntax is the relationship between the sequence of shots which constitutes a film and film semantics is the relationship between shot length and what is portrayed in that shot. The syntax analysis indicated that films may be classified as negative or positive. Negative syntax films begin with longer duration shots and end with shorter duration shots. Positive syntax films go from shorter to longer duration shots. The difference between positive and negative syntax films was explained by total number of shots. Positive syntax films have a significantly larger number of shots than negative syntax films. The semantic analysis showed a positive relationship between the length of a shot and the number of persons and activities portrayed. While primitive, results indicate that filmmakers and editors of film are bound by a similar 'language' when constructing a film of this type.

-Summary abstract

Koestler, F. A. Runaway Teenagers. New York, New York: Public Affairs Committee, 1977.

Teenaged runaways of the 1970's estimated at 500,000 to 1 million yearly, are seen as a significant problem needing special services. Some 400 runaway programs attest to a new phenomenon on the American social scene. Of the runaways in 1975, 80 percent were between 15 and 17, and 53 percent were male. Runaways of the 1960's and early 1970's were searching for alternative lifestyles, and often found degradation. 1977 runaways became involved in pornography.

-Summary abstract

Kolarsky, A., and Madlafousek, J. Variability of stimulus effect in the course of phallometric testing. Archives of Sexual Behaviour, 1977, 6, 135-141.

To study the serial affect in phallometric experiments, several sexual stimuli (film scenes) were presented in different orders to 56 19-22 yr old men in 4 groups.

All stimuli were presented at a relatively constant basal level of penile volume after Ss' engagement in a nonsexual cognitive task. Serial effects occurred. At the beginning of the session, the magnitude of penile response did not depend on the content of sexual stimuli, the 2nd stimulus eliciting a higher effect than the 1st. The differential effect of stimuli occurred only when they were shown in the 3rd or 4th position. Finally, it was demonstrated that the effect of the stimulus depends to some extent on the effect of the preceding stimulus.

-Journal abstract

Kolarsky, A., Madlafousek, J., and Novotna, V. Stimuli eliciting sexual arousal in males who offend adult women: An experimental study. Archives of Sexual Behaviour, 1978, 7, 79-87.

The sexually arousing effects of short film scenes showing a naked actress's seductive behaviour were phalloglethysmographically measured in 14 sexual deviates and 14 normal men (controls). The deviates were 20-51 yr olds who had committed offenses against adult women predominantly exhibitionists. Results show that deviates responded positively to the scenes and differentiated strong and weak seduction scenes similarly to normals. Consequently, the question arises of why they do not offend their regular sexual partners. Post-hoc analysis of 5 scenes which elicited a strikingly higher response in deviates than in normals suggested that these scenes contained reduced seductive behaviour but unrestrained presentation of the genitals. This finding further encourages the laboratory study of stimulus conditions for abnormal sexual arousal that occurs during the sexual offense.

-Journal abstract

Kolarsky, A., Madlafousek, J. The inverse role of preparatory erotic stimulation in exhibitionists: Phallometric studies. Archives of Sexual Behaviour, 1983, 12, 123-148.

Based on the view that human sexuality is not a unitary drive but a system of partial sexual motivational states (SMS), it was hypothesized that exhibitionists suffer from a difficulty in the transition from introductory (preexposure) SMS to more advanced (exposure) ones. Accordingly, offensive exposure (toward strange women) separates the advanced sexual act from the evocation of the exhibitionist's own, more introductory SMS by the object of exposure. Three Phallometric studies, using film sequences as stimuli, confirmed predictions derived from the hypothesis:

(1) 22 male exhibitionists (aged 15-41 yrs) were not arousable by female fear and anger behaviour but by female genital exposure, especially by a female pointing at her exposed genital. (2) this behaviour aroused 41 control Ss (aged 18.3-26.9 yrs) only when erotic prestimulation immediately preceded. With no prestimulation, this behaviour weakened the effect. (3) the arousal of 40 other exhibitionists (aged 20.5-51 yrs) was superior to that of normals when films were shown after no prestimulation (''abnormal'' arousal), but was inferior when shown immediately after ''coy'' erotic prestimulation. The ''coy'' phases to those when partners look at the other's genital. It may be useful to shape erotic partnership of exhibitionists along lines different from those traditionally prevalent in most cultures. (29 ref)

-Summary abstract

Korff, J., and Geer, J. H. The relationship between sexual arousal experience and genital response. Psychophysiology, 1983, 20, 121-127.

36 female undergraduates were randomly assigned to 2 experimental groups and 1 control group. Experimental groups were given instructions suggesting that they attend to either genital or nongenital body signals of sexual arousal while viewing a series of 10 erotic slides. Ss in the control group were given no attention instructions. Subjective levels of arousal to the erotic slides were scaled by having Ss set the intensity of sound and light to match their intensity of arousal (cross-modality matching) and by using a rating scale. Genital measures of sexual arousal consisted of measurement of vaginal-pulse amplitude. Analyses revealed that group-computed correlations were very high and that individually computed subjective-genital (SG) correlations were highest in the attention groups. Paying attention to bodily cues had a significant and positive effect on the SG relationship. Possible explanations for these results are given along with a discussion of the role of methodological variables in influencing the SG correlation. The finding of high levels of correlation raises questions about the assumption of low SG correlations for women. (23 ref)

-Summary abstract

Krasner, W., Meyer, L. C., and Carroll, N. E. Victims of Rape, Washington, D. C.: Superintendent of Documents GPO, 1977.

A 27-month study of the impact of rape on 790 child, adolescent, and adult victims seen at Philadelphia General Hospital is reported. Among findings that dispel stereotypes about rape are the following: Rapes were not erotic, sexual acts, but rather acts of brutality and subjugation; rapes were not consensual and usually were not interracial; most rapes took place indoors; and, although force was usually implied and very often used, the battered victim was not the norm. Rape had different characteristics in different age groups. Children were molested in their homes by people they know and trusted. Adolescents searching for new experiences and friends were particularly vulnerable to rape and were most often subjected to group rape. Adult victims were usually raped in their own homes by strangers and were subjected to the greatest violence. The victims underwent two periods of crisis: The rape itself and the events (police interrogation, medical examination, etc.) immediately following reporting, and the legal process that ensued if the rapist was caught and identified. Generally medical and legal agencies did not provide victims with the support they needed. In some cases, stereotyped reactions and feelings of shame limited the availability of support from the persons close to the victim. There was considerable evidence that the long-term effects of rape on victims may be more important than the immediate ones.

-Summary abstract

Kraus, J. Trends in violent crime and public concern. Australian Journal of Social Issues, 1979, 14, 175-191.

A study was conducted to determine whether public perception of rising criminality has an objective basis or is based on media overdramatization. Adult and juvenile conviction data were collected for a 10-year period in New South Wales, Australia. For adults there was a significant upward trend in murder and major assaults, with increases of 89.8% and 100.1% respectively; female adult assaults increased by 104.3%. For juveniles (under 18) significant upward trends were observed in assaults, robbery, and malicious damage. In general, the data appear to justify the public concern. Important from the standpoint of public safety is the doubling of the homicide rate; however, as murder occurs mainly among intimates, this increase is not necessarily a general threat. That no upward trend was discovered for rape offenses is attributed to a more permissive attitude toward pornography.

-Summary abstract

Kunz, P. R. Analysis of the social distance of offenders. International Journal of Comparative and Applied Criminal Justice, 1977, 73-82, 1.

A Bodargus-type social distance scale was employed to examine 23 deviant roles (including pornography seller), using a sample of 355 respondents who indicated preferences for some types of deviant offenders over others, with the exception of the murderer. Roles assigned to the most socially distant categories tended to be associated with financial and sexual deviance. Female respondents assigned as most socially distant those roles associated with sex and the female (prostitutes, call girls and lesbians.) Male respondents assigned more neutral kinds of roles to the category of socially distant, such as the drug addict, the homosexual, the long-hair male, the moron and someone who has had an abortion.

-Summary abstract

Kutchinsky, B. Eroticism without censorship: Sociological investigations on the production and consumption of pornographic literature in Denmark. International Journal of Criminology and Penology, 1973, 1, 217-225.

Discusses the peak years of the production and consumption of erotic literature in Denmark during 1963-1968. Contrary to general opinion, the upsurge was not the result of the repeal of the penal law on pornographic literature but was due to publisher pressure and court permissiveness prior to the repeal. As soon as the public curiosity was satisfied, having had free access to the literature, the interest diminished.

-Summary abstract -

Kutchinsky, B. Deviance and criminality: The case of voyeur in a peeper's paradise. Diseases of the Nervous System, 1976, 37, 145-151.

Discusses the fact that since legal restrictions on pornography and pornographic activities began to be abolished in Denmark, criminal peepers have disappeared from Copenhagen; reports to the police of peeping dropped from 76 in 1965 to 2 in 1972. This change was unexpected because (a) public attitudes toward peeping (as opposed to voyeurism, which is deviant but not criminal) had not become more lenient, and (b) the peeper was supposed to derive much of his satisfaction from the illegality of his activities. A description and analysis is presented of the case of a 68-yr old sailor who had been a peeper since he was 30, but when restrictions on pornography were relaxed found films, live-shows, etc. satisfactory substitutes for peeping.

Interviews in depth provided many indications of why he had become a peeper and why he stopped. It is tentatively concluded that while the commitment to deviant behaviour developed as an interaction between internal and external factors, the committing of crimes as a result of deviance is primarily determined by external factors: the law and the availability of legal and illegal opportunities.

Landreville, P. and Nicolas, M. In the prison milieu: The right of self-expression. Crime et/and Justice, 1978, 6, 138-143.

Freedom of the press allows prisoners the right to publish their own newspaper as long as they respect obscenity and defamation laws, although in reality certain articles may be repressed as disciplinary violations. Prisoners should also be permitted printed matter (but not pornography or arms publications) and unlimited communication with representatives of the mass media. As with most articles dealing with inmate access to material (primarily U. S.) the author(s) exclude pornography from lists of 'acceptable' material. No rationale for this is provided.

-Summary abstract

Lang, A. R. Sexual guilt, expectancies and alcohol as determinants of interest in and reaction to sexual stimuli. Dissertation Abstracts International, 1979, 39, 5075-5076.

See Lang, A. R. (1980).

Lang, A. R., Searles, J., Lauerman, R, and Adesso, V. Expectancy, alcohol and sex guilt as determinants of interest in and reaction to sexual stimuli. Journal of Abnormal Psychology, 1980, 89, 644-653.

Selected 72 male undergraduate social drinkers from high, moderate, and low scorers on the Sex Guilt subscale of the Mosher Forced-Choice Guilt Scale. Ss were assigned to 1 of 4 conditions in a balanced-placebo design utilized to control for psychological as well as physiological factors determining the effects of drinking on behaviour. After consuming beverages, Ss viewed and evaluated photographic slides of erotic content and then reported on their sexual arousal. The time Ss spent viewing each slide was unobtrusively recorded. Overall, greater sexual arousal was indicated by Ss who thought they had received alcoholic beverages, regardless of actual drink content. In all conditions except the high sex guilt-expect tonic groups, viewing times increased as a positive linear function of pornography ratings of the slides. Results demonstrate that psychological aspects of individual differences can mediate expectancy effects in research on alcohol and social behaviour. (22 ref)

-Journal abstract

Lange, J. D., Brown, W. A., Wincze, J. P. and Zwick, W. Serum testosterone concentration and penile tumescence changes in men. Hormones and Behaviour, 1980, 14, 267-270.

Serum testosterone concentration of 24 males (aged 20-29 yrs) was correlated with penile diameter changes in response to erotic stimuli. Mean testosterone concentration was significantly and negatively correlated with latency to maximum tumescence. It is hoped that this finding will shed light on the psychophysiological mechanisms involved in normal and impaired erectile function. (8 ref).

-Summary abstract

Lansky, D., and Wilson, G. T. Alcohol, expectations, and sexual arousal in Males: An information processing analysis. Journal of Abnormal Psychology, 1981, 90, 35-45.

Using a balanced placebo drink administration procedure, 48 undergraduate male social drinkers were presented with erotic and nonerotic stimuli after completing the Mosher Forced-Choice Guilt Scale. Selective attention and recognition memory were measured in both visual and auditory modalities; penile tumescence was recorded continuously in response to auditory stimuli. The belief that alcohol had been consumed increased penile tumescence to both heterosexual and homosexual stimuli, but only in Ss high in sex guilt. Mild intoxication itself had no effect. Alcohol impaired memory for visual stimuli, while the belief that alcohol had been drunk facilitated memory for stimuli in the auditory modality. Correlational analysis did not support the hypothesis that alcohol expectation's impact on sexual responsiveness is mediated directly through its influence on selective attention and memory processes. (27 ref)

-Journal abstract

Laws, D. R., and Holmen, M. L. Sexual response faking by pedophiles. Criminal Justice and Behaviour, 1978, 5, 343-356.

The issue of faking erection responses to erotic stimuli is examined by looking at various methods used by a client as he attempted to fake in the laboratory. It is clear that Ss have the capability of generating erection responses to stimuli that are not erotic to them and the ability to prevent their erection responses to sexual stimuli to which they normally are highly aroused. Steps that the therapist can take so that faking will be minimized are listed.

Leclercq, M. J. Variations on the theme of penalization and depenalization.

Revue de Droit Penal et de Criminologie, 1978, 58, 8-10.

Citing historic examples from Belgian Law, this article exposes the tendency for law to shift from constraint, authoritarianism, and penalization to freedom, individualism, and decriminalization and back. Analysis of the development of legal practice shows a movement over the last few centuries toward protection of individual freedom and human rights; however, the complexity of laws enacted to guarantee these rights has resulted in a network of sanctions that is becoming increasingly difficult to manage. The public response has been to urge decriminalization. Drawing from ancient history, and from Canadian and Belgian legal histories, this article points out that such overregimentation has often produced movements toward decriminalization, which in turn produces a fear for personal and public security, leading society to stricter enforcement. Discussions center on the history of drug laws; legal intervention in civil issues; the growth of interactionism and social reaction theory; the criminalization of shoplifting; and the controversies surrounding pornography, abortion, adultery, and homosexuality. The history of social and governmental reaction to penalization and decriminalization is also examined. The study concludes that the perfect equilibrium between despotism and democracy, and authoritarianism and individual freedom has never been attained.

-Summary abstract

Lenes, M. S., and Hart, E. J. The influence of pornography and violence on attitudes and guilt. Journal of School Health, 1975, 45, 447-451.

The Mosher Forced-Choice Guilt Scale, self-ratings on a 7-point scale using 27 adjectives describing various mood states, and scales purporting to measure 5 dimensions of religiosity, were used to study the relationships among sex guilt, religiosity, and exposure to pornography. The measures were administered to 52 university undergraduate sorority members, 18-22 yrs old, after 16 of them had seen a pornographic film, 22 of them scenes from the Hiroshima atomic bomb raid ("violence") and 14 of them a travel film ("neutral"). Relationships were found between sex guilt and (a) affective response and (b) religiosity, the relationships varying depending on the level or amount of guilt, affective response, and religiosity. There was no relationship between religiosity and affective response. The strongest affective reaction was to the violent films, suggesting that concern about media

materials and programs should be focused on violence rather than on pornography.
(26 ref)

-Summary abstract

Leonard, K. E., and Taylor, S. P. Exposure to Pornography, permissive and nonpermissive cues, and male aggression toward females. Motivation and Emotion, 1983, 7, 291-299.

40 male undergraduates viewed either neutral slides with a silent female or erotic slides with a female who made permissive, nonpermissive, or no comments about the slides. Ss rated the slides and subsequently rated the female confederate. Ss were then given an opportunity to administer their choice of several intensities of shock to the female in a competitive RT task. Ss in the permissive cues condition rated the erotic slides as more arousing, saw the female as more reasonable and accepting, and selected more intense shocks for the female than did Ss in the other conditions. One explanation of these results is that permissive cues in the presence of erotica led the S to believe that other normally inappropriate behaviours would be tolerated. (9 ref)

-Summary abstract

Levin, S. M., Gambaro, S., and Wofinsohn, L. Penile tumescence as a measure of sexual arousal: A reply to Farkas. Journal of Consulting and Clinical Psychology, 1978, 46, 1517-1518.

Recognizes the susceptibility of the penile measure to faking but expresses doubt about the value of G. M. Farkas's (see PA, Vol 62:6637) suggested solution of obtaining a measure of voluntary control prior to treatment. The current authors claim that their study (see PA, Vol 59:1505) did not rely solely on the penile measure but also obtained self-report data and indirect information about motor behaviour relevant to child molesting. (5 ref)

-Summary abstract

Lewittes, D. J., and Simmons, W. L. Impression Management of sexually motivated behaviour. Journal of Social Psychology, 1975, 96, 39-44.

130 college males were unobtrusively observed buying 'girlie' magazines. It was

hypothesized that the buying of such magazines would be accompanied by additional behaviours designed to avoid anticipated negative reactions on the part of others. Results indicate that Ss who bought 'girlie' magazines in comparison to those buying other kinds of magazines significantly more often requested a bag or also bought other merchandise. These findings are discussed in the context of the sex-guilt and face-saving literature. (17 ref)

-Journal abstract

Lincoln, G. A. Luteinising hormone and testosterone in man. Nature, 1974, 252, 232-233.

Conducted research to determine if the normal pulsatile secretion of luteinizing hormone (LH) and testosterone in men could be altered by a specific sexual stimulus. 8 24-29 yr old male volunteers were exposed to a film sequence which included sexually provocative scenes of human behaviour. Self-reports of sexual excitement indicated the occurrence of full or partial erection in 7 of the Ss. However, no concomitant change in LH or testosterone levels occurred. (18 ref)

-Summary abstract

Lindquist, J. H. and Cave, H. L. Myths and realities of dirty book buyers. Free Inquiry in Creative Sociology, 1979, 7, 48-51.

One hundred fifty-five patrons of an 'adult' book store in a major metropolitan city of south Tex voluntarily completed a questionnaire regarding their preferences for pornographic material, materials habitually used, political attitudes and behaviour, self-image and demographic/physical characteristics. The survey approach was used to test the validity of similar data gathered by observational techniques of other writers. The demographic/physical data presented describe the purchasers of 'adult' material in terms of age, physical characteristics, family status, income, education, and occupation. Compared to residents of the metropolitan area in which the store is located, purchasers of 'adult' material are better educated, have a higher median income, and occupy higher status occupational positions.

-Summary abstract

Los Angeles County - Role of City Government in the Criminal Justice System: Action Plan. Los Angeles, California: League of California Cities Los Angeles County Division of Criminal Justice Planning Unit, 1978.

an action plan for the Los Angeles County Division of the League of California Cities is presented with the ultimate goal of increasing the effectiveness of the California Criminal Justice System. Crimes found to concern public officials the most: burglary, drug offenses, robbery, assault, rape, and pornography.

-Summary abstract

Love, R. E., Sloan, L. R., and Schmidt, M. J. Viewing pornography and Sex guilt: The priggish, the prudent, and the profligate. Journal of Consulting and Clinical Psychology, 1976, 44, 624-629.

35 male undergraduates were divided into 3 groups on the basis of their scores on Mosher's Forced-Choice Guilt Inventory. The amount of time Ss spent viewing and rating photographic slides of varying erotic content was unobtrusively recorded. The viewing time of the low sex-guilt group increased linearly as a function of increasing pornographic content. There was no significant increase in viewing time for high sex-guilt Ss. Members of the moderate sex-guilt group exhibited a curvilinear viewing pattern. Results are consistent with a predicted defensive response on the part of high sex-guilt subjects, thus supporting Mosher's conceptualization and measure of sex guilt.

-Journal abstract

Luria, Z., and Tufts, U. Sexual fantasy and pornography: Two cases of girls brought up with pornography. Archives of Sexual Behaviour, 1982, 11, 395-404.

Presents the cases of 2 sisters (aged 20 and 23 yrs) who grew up with pornography ad lib because of the family's business in pornographic publishing. Ss were interviewed for their sexual histories. One S used visual fantasy and integrated some elements of the imagery of the pornography for a period into her sexual life; the other had not. Implications for the definition of the 2 gender curricula--what boys learn from other boys and girls from other girls--are discussed. (5 ref)

-Summary abstract

Machindoe, I. E. The alteration and assessment of human male erotic interest:
I and II. Dissertation Abstracts International, 1976, 37, 3083-3084.

Discusses behavioural treatment and assessment of erotic interest and antisocial sexual behaviour, male sex offenders.

Summary abstract

MacNamara, D. E. J., and Sagarin, E. Sex, Crime and the Law. New York: Free Press, 1977.

Legal and sociological definitions are given for the sexual activities now illegal in America, and survey is made of the incidence and seriousness of each offense, current statutes, and recommended reforms. Forcible rape, sex between adults and minors, prostitution, homosexuality, pornography, offenses against the public order, and such pathological behaviour as voyeurism and fetishism are examined. Laws against these practices differ from state to state and court rulings vary widely among jurisdictions. To further complicate the issue, changes in social norms have led to uneven enforcement of laws and agitation for change. The status of the law for each of the major categories of illegal sexual activity is given. The seriousness of these offenses, rated on a scale which takes into account presence of force and degree of consent, ranges from rape, attempted rape, sexual assault, and child molestation at the top of the scale to consensual homosexuality and other private acts at the bottom. Recent research involving the seriousness of the offense, possible courses of action, and best methods of handling offenders is summarized. It is recommended that private offenses which are impossible to restrict be decriminalized and that law enforcement resources be concentrated on those sexual acts which present a serious threat to the life or well-being of an innocent victim. Appendices include a glossary, a selected bibliography, and a detailed index.

-Summary abstract

Mann, J. et. al. Satiation of the transient stimulating effect of erotic films.
Journal of Personality and Social Psychology, 1974, 30, 729-735.

Reanalyzed data from a 1971 study by J. Mann et al which showed either erotic films or nonsexual movies 1 time/wk for 1 mo to 85 married couples (age ranged from 30-64 yrs) and found that the sex films had stimulated a relatively high level of sexual activity on movie-viewing nights. There was no evidence that the sex movies had produced a 'disinhibition' effect or had brought about new learning.

Rather, the film had apparently activated previously acquired sexual habits which then became dormant again with the passage of time. As a further test of this stimulus-response analysis, the possibility that there was a satiation effect with repeated exposure to the erotic films was studied. Findings indicate that these movies had become less and less effective elicitors of sexual reactions with the successive presentations, which supports the appropriateness of the stimulus-response analysis.

-Journal abstract

Marcus, N. Zoning obscenity: or, the moral politics of porn. Buffalo Law Review, 1977, 27, 1-46.

There has been an increase in pornography in the last decade. Boston, Mass., Detroit, Mich., and New York City exemplify land use in relation to pornographic proliferation. Boston established the 'Combat Zone', and adult land-use area, and the consequences were increased crime and enforcement problems. In Detroit, 1972 legislation dispersed adult businesses and city moves against several businesses were upheld by court. In New York City, pornography areas experienced economic decline and city officials were forced to act. Legislation included definitions of adult uses, location requirements, anticoncentration mechanisms, amortization, and exemption procedures. Because the moral climate of an area is changing and ambiguous, the courts have a difficult problem with definitions of obscenity and standards. Cases cited include Miller v. California, Jenkins v. Georgia, and Paris Adult Theater 1. v. Slaton. There is an underlying problem as to whether zoning exists to enhance planning goals or to reflect local social bias and police preferences. The first and fourteenth amendments make the legislation of morals a touchy affair.

-Summary abstract

Martin, C. E. Factors affecting sexual functioning in 60-79 year-old married males. Archives of Sexual Behaviour, 1981, 10, 399-420.

The extent and causes of declining sexual activity on older men are explored, using structured interview data from 188 males aged 60-79, participants in the Baltimore Longitudinal Study of Aging; respondents were categorized into 4 age groups and 3 activity levels. Three separate factors are often confounded: erotic response to visual stimuli, time comfortable without sex, and actual sexual f. A pattern appears to exist in which increased disregard for visual erotic stimuli leads

to increased time comfortable without sex, which in turn leads to decreased sexual f. Potency failure appears often to be due to motivational rather than physiological causes. Younger and older respondents do not differ appreciably in sexual functioning. Three different factors appear to explain reduced sexual activity: sexual apathy in men who originally functioned at a low level of activity; social isolation; and reduced awareness of erotic stimuli as a cognitive response to physiological changes.
-Summary abstract

Martin, S. M. A logical method for analyzing significance: Its application to the study of language on TV. Revista Espanola de Investigaciones Sociologicas, 1978, 2, 21-51.

The quality of roles portrayed on television can be studied via adjectives rated along a value-scale in 4 areas; expressiveness, valor of character, physical attributes and sociability. All roles can be assigned to one of twelve distinct semantic fields, which include such qualities as 'confidence inspiring' to 'discrete,' 'sensible,' 'physically strong,' sexually potent,' and 'beautiful.' This model was tested on various samples of observed characters on television and a new 'model of repression,' involving nonsublimated, nonproductive impulse repression was found. It is theorized that the roles depicted on television exert a form of social control over the masses by transforming sexuality in eroticism. These characters perpetuate the compulsion to work, which now has a new function-inspiring confidence. The attribute 'energetic' is reserved to violence under the law, as part of the 'mission to reestablish order' or correct those who are maladjusted. The norms and values expressed in television roles serve the established order.
-Summary abstract

Martinson, F. M. Eroticism in infancy and childhood. Journal of Sex Research, 1976, 12, 251-262.

Considers that the capacity for sensate experience develops prenatally; what the child lacks is the opportunity, not capacity. Yet children brought up in secretive and repressive societies are denied the full range of sexual experiences consistent with their capacity. The relationship between cognitive capacity and the management of the sexual life on a rational level is discussed.
-Summary abstract

May, G. Understanding Sexual Child Abuse. Chicago, Illinois: National Committee for the Prevention of Child Abuse, 1978.

The complexities of sexual child abuse are examined, with emphasis on the devastating effects it has on the physical and mental health of victims. Abuse implies an act that brings about demonstrable or potential harm to children. Children who are sexually victimized in any way by adults are abused, but consideration must be given to the actual harm done. Greater harm may result from inappropriate responses on the part of adults that make children feel afraid, guilty, or dirty. Touching activities involved fondling, genital stimulation, oral stimulation, pornography, and intercourse.

-Summary abstract

McConaghy, N. Penile volume responses to moving and still pictures of male and female nudes. Archives of Sexual Behaviour, 1974, 3, 565-570.

12 medical students were shown 2 series of 10 pictures of orange circles followed by pictures of nude females, alternating at 1-min intervals with 10 pictures of blue triangles followed by pictures of nude males. All were shown for 10 sec. In one series, the pictures were moving and were inserted into a travelog film; in the other, they were still, and still pictures of landscapes were shown in the intervals. 6 students were randomly allocated to watch the moving sequences first; the other 6 watched the still sequences first. The summed penile volume increases of the students to the moving pictures of the women were significantly greater than those to the still pictures, and conditioned penile increases were greater to the pictures of circles preceding these moving pictures compared with those to circles preceding the still pictures. Only the former conditioned responses correlated significantly with the unconditioned penile responses on which they were based. It is concluded that conditioned penile volume increases could be established more satisfactorily using moving rather than still pictures of female nudes as unconditioned stimuli. The summed penile response to 10 such still stimuli nevertheless provided a reliable measure of the Ss' responsiveness.

-Journal abstract

McDonald, W. K., Perkins, K. B., Sheehan, R. R. and Curtis, J. H. The pornography controversy: A study of attitudes in a South Georgian Community, Journal of Humanics, 1977, 5, 64-78.

T. Hirshi's theory (Causes of Delinquency, Berkeley: University of Calif Press, 1969) that persons under a high degree of social control are more inhibited in sexual behaviour, was tested by determining attitudes toward pornography of people in a south Georgia town. Of the sample (number of cases = 959), 577 were college students and 384 were approached on the sidewalks of the town. Results of a General Public Attitudes Questionnaire of 26 items, pretested for validity, confirmed that variables such as student status, community size, sex, and income predicted differences in pornography attitudes, and that the small, close-knit town possessed comparatively conservative opinions on the matter of pornography.

-Summary abstract

McKinnon, I. Child Pornography. FBI Law Enforcement Bulletin, 1979, 48, 18-20.

In this discussion of Child Pornography and Prostitution, the victims and offenders are characterized and law enforcement prevention and investigation efforts are described. The majority of children recruited into child pornography are boys between the ages of 9 and 14. They are from broken homes or are runaways, and often have been neglected children. They are lured into this business by 'chicken pimps,' typically white males between 30 and 40, married, and with good jobs. The pimp lures the child through veiled friendship or promise of money or drugs, or abducts the child. According to evidence gathered over several years by the Detroit (Mich.) police department sex crime unit, child pornography products are marketed through a subculture of small dealers who make them accessible to ready customers. The unit is collaborating with Federal and State authorities on initiating prosecution for transmitting obscene material through the mail and is developing confidential sources to obtain information about the procurers responsible for the enlistment of children into pornographic services. Police and parents dealing with children who have been exploited in this manner should always remember to be compassionate, remain calm, and relieve the child of any guilt feelings.

-Summary abstract

McNamara, P. H., and St. George, A. "Porno" litigation, community standards, and the phony expert: A case study of fraudulent research in the courtroom. Sociological Practice, 1979, 3, 45-60.

Fraudulent research may be more likely in situations such as consultation and courtroom testimony, in which scrutiny by competent colleagues is unlikely. A courtroom

case of such fraudulent research is presented, on the basis of personal experience as opposition witnesses to a purported survey of citizen attitudes. The supposed expert was able to get away with invalid procedures and testimony for five years and thirty-seven trials. Measures are needed to prevent such fraudulent activities.

-Summary abstract

Merritt, C. G., Gerstl, J. E., and LoScuito, L. A. Age and perceived effects of Erotica-pornography: A national sample study. Archives of Sexual Behaviour, 1975, 4, 605-621.

United States public attitudes and experience with respect to erotic material were investigated in 1970 through a national sample survey of 2,486 20-80 yr old adults. Based on a QUESTIONNAIRE adapted from work by H. Abelson, R. Cohen, E. Heaton, and C. Slider (PUBLIC ATTITUDES TOWARD AND EXPERIENCE WITH EROTIC MATERIALS. TECHNICAL REPORTS OF THE COMMISSION ON OBSCENITY AND PORNOGRAPHY, Vol 6, Washington, DC: Government Printing Office, 1970), 12 items were used to determine the effect of reading sexual materials on respondents and respondents' belief of effect on others. Considerable response diversity occasioned development of multistage typology presenting item characterization and age gradients. Education level, gender, and reported exposure controls did not significantly effect the age gradient response. 4 levels of effect were included in the typology--desirable, undesirable, ambiguous, or neutral--and exhibited a progression along the age gradient. Youth typified erotica as desirable or neutral; the eldest respondents believed pornography has only undesirable effects. The age gradient response pattern suggests an underlying value change process.

-Summary abstract

Michel, A. Innovative Role of Women in Advanced Industrial Society. International Sociological Association (ISA), 1978, 2130.

The concept of the 'pressure group' is used to characterize the emergence of feminist movements in industrialized countries in this half of the twentieth century. Two hypotheses are proposed; (1) feminist pressure groups exert pressure on the economic and social policies of the countries concerned, and will do so more heavily in the future, and (2) these pressure groups play an innovative role in the reduction of inequality and stratification between the sexes by industrialized societies. The hypotheses are supported by historical and sociological documentation. The

innovative role of women in a number of areas is cited. Examples for France include: (A) workers contesting professional classifications which allow underpayment of women, and (B) intellectuals contesting the principle of abstract liberty invoked by men in order to impose a degrading image of women (pornography), or a debilitating image (housewife), in the press and in schoolbooks. Women's struggles call into question all areas of political, economic, and social structure in advanced industrial societies. These struggles do not suffer from the usual cleavage of male dominated political parties. Examined also are the socioeconomic and ideological factors which led to the emergence of feminist movements.

-Summary abstract

Miller, C. T., Byrne, D., and Fisher, J. D. Order effects on responses to stimuli by males and females. Journal of Sex Research, 1980, 16, 131-147.

Used S. Schachter's (1964) cognitive labeling model of emotions to study the impact of presentation order of explicit sexual stimuli and order of reporting reactions on a sexual and affective responses. 27 male and 23 female undergraduates viewed a series of sexually explicit slides in story-line sequence, in reversed sequence or in a random sequence. In counterbalanced order, Ss rated how sexually arousing and disgusting the slides were to themselves. Males reported being more disgusted when they rated disgust first than when they rated sexual arousal first. Additionally, males and females who was the random presentation sequence reported more sexual arousal than those who saw the reversed story-line sequence. Females also were more aroused by the random sequence than by the story-line sequence. Results indicate that Schachter's model of emotions may be useful in explaining how people respond to sexual stimuli. (12 ref)

-Journal abstract

Milles, F. Etiological factors of male perversion. American Journal of Psychoanalysis, 1981, 41, 39-44.

Presents the case of a 56 yr-old male who sought psychiatric help after his wife discovered pornographic literature that contained sadistic homosexual erotica. It is suggested that perversions are made intelligible only if the client assumes the convergence of several motive forces. Their elicitation will be supplemented by an examination of the specific role of regression in the evolution of perversion.

-Summary abstract

Moreault, D., and Follingstad, D. R. Sexual fantasies of females as a function of sex guilt and experimental response cues. Journal of Consulting and Clinical Psychology, 1978, 46, 1385-1393.

Investigated the effects of response cues (erotic, romantic, or neutral) and level of sex guilt on the self-reported sexual fantasies of 90 undergraduate females. Ss completed a sex guilt inventory (Mosher Forced-Choice Guilt Inventory - Female Form), the Nowlis Mood Adjective Check List, the Fantasy Theme Checklist, and ratings of their affective responses and physiological arousal associated with the writing of the fantasies. High sex guilt Ss preferred fantasy themes indicating a lack of responsibility for engaging in sexual interaction. Ss in the erotic fantasy condition wrote more explicit fantasies and described more varied content. Arousal seemed to be affected by the response cuing in the predicted direction but not by the Ss' guilt levels. Sex guilt level seemed to be a better predictor of affective responses, such as guilt and embarrassment, than the response cuing. Results suggest that sexual fantasy behaviour may be part of a cluster of sexual behaviours governed by an individual's level of sex guilt. It is suggested that the demonstration that fantasy production seemed to be influenced by situational demands has implications for collection and use of fantasy information by both clinicians and researchers. (29 ref)

-Journal abstract

Morneau, R. H. Jr., and Rocknell, R. R. Sex, Motivation, and the Criminal Offender. Springfield, Illinois: Charles C. Thomas, 1980.

This volume describes the types of sex deviations that law enforcement officers encounter and suggests that investigators consider the psychosexual component in all crimes as well as in sex crimes. A chapter on pornography and sex clubs demonstrates the importance of these areas both because they provide an avenue of sexual expression short of criminal behaviour and because persons may emerge as offenders from these subcultures.

-Summary abstract

Morokoff, P. J., and Heiman, J. R. Effects of erotic stimuli on sexually functional and dysfunctional women: Multiple measures before and after sex therapy. Behaviour Research and Therapy, 1980, 18, 127-137.

11 women entering sex therapy for treatment of low arousal and 11 women experiencing no arousal deficit viewed an erotic film, listened to an erotic audiotape, and engaged in sexual fantasy during 2 experimental sessions. Session 1 occurred before treatment for the low arousal group, session 2 occurred after treatment. The adequate arousal group was tested at comparable points in time. Sexual arousal was measured subjectively by self-rating and physiologically by a vaginal photoplethysmograph. Contrary to expectation, the 2 groups showed equivalent significant increases in physiological response during the erotic stimuli in both sessions. The adequate arousal group rated subjective arousal significantly higher than the low arousal group in session 1, while no difference was found between the groups in session 2. Significant correlations were present between physiological response and ratings of several affective reactions to the audiotape, though few significant correlations were found between physiological and subjective sexual arousal measures. Data indicate a discrepancy between genital responses and ratings of sexual arousal, for which several interpretations are offered. (39 ref)

-Summary abstract

Morris, N. Overreach of the Criminal Law - Main paper. Capetown, South Africa: Juta and Company Ltd., 1976.

Drug use, gambling, sexual activity, obscenity, abortion, and prostitution are discussed as areas of behaviour where criminal law has overreached its rational function; decriminalization and regulation are recommended. The general suggestion is that 'victimless' crimes be regulated rather than prohibited, with criminal sanctions being applied where behaviour becomes extreme and abusive. It is felt that sexual materials presently considered obscene should be allowed to circulate for sale, but with restrictions on public advertising and sale to minors.

-Summary abstract

Mosher, D. L., and Abramson, P. R. Subjective sexual arousal to films of masturbation. Journal of Consulting and Clinical Psychology, 1977, 45, 895-807.

A film of a male or female masturbating was viewed by 96 male and 102 female undergraduate volunteers. Following the film, Ss responded to 3 measures of subjective sexual arousal and to 7 measures of affective responses. Males reported the highest level of sexual arousal to the female film and the lowest level of arousal to the male film. Males who viewed the film of the male masturbating reported the

most disgust, depression, guilt, and shame. Females were sexually aroused by both films. Women who masturbated more frequently reported more sexual arousal to the films than the other 3 groups. A measure of negative attitudes toward masturbation differentiated the sexual arousal and affective responses of Ss. Sex guilt (measured by the Sex Guilt subscale of the Mosher Forced-Choice Guilt Inventory) was related to negative affective responses to the films. Several interpretations of the meaning fo the data are offered. (40 ref)

-Journal abstract

Mosher, D. L., and O'Grady, K. E. Homosexual threat, negative attitudes toward masturbation, sex guilt, and males' sexual and affective reactions to explicit films. Journal of Consulting and Clinical Psychology, 1979, 47, 860-873.

Subjective sexual arousal and affective responses of 215 undergraduate males to films of masturbatory, homosexual, and heterosexual behaviour were studied: as a function of personality differences in negative attitudes toward masturbation, homosexual threat, and sex guilt. The film of heterosexual behaviour elicited more subjective sexual arousal and less disgust, anger, shame, depression, and guilt than did the films of male masturbation and homosexuality. The film of homosexuality elicited both more sexual arousal and more disgust, anger shame, and guilt than did the film of masturbation. The personality inventories (e.g., Mosher Forced-Choice Guilt Inventory, Negative Attitudes Toward Masturbation Inventory) ~~predicted~~ sexual arousal and affective reactions, but the evidence was better for convergent than for dicriminant validity. A promising new measure of homosexual threat (Homosexual Threat Inventory) was constructed that was predictive of heterosexual-homosexual orientation and reactions to the films. The concept of homosexual threat is differentiated from the concepts of fear homosexuals, homosexual panic, and homosexual prejudice. (36 ref)

-Journal abstract

Mosher, D. L., and O'Grady, K. E. Sex guilt, trait anxiety, and females' subjective sexual arousal to erotica. Motivation and Emotion, 1979, 3, 235-249.

Subjective sexual arousal and affective reactions of 80 female undergraduates to explicit sex films were studied in a 2 (sex guilt) x 2 (trait anxiety) x 2 (films) design. Among the measures used were the Mosher Forced-Choice Guilt Scale and the State-Trait Anxiety Inventory. There was a decline in sexual arousal to a film of

oral-genital sex and a decline in sex guilt in the present sample in comparison to a similar sample from this laboratory 8 yrs ago. High-sex-guilt Ss reported fewer genital sensations and rated themselves lower on sexual arousal during and after the films than did their counterparts less disposed to guilt over sex. High-sex-guilt Ss reported more affective guilt, disgust, and anxiety-fear as a consequence of viewing an explicit sex film than Ss below the median on sex guilt. High-trait-anxiety Ss reported more intense genital sensations and rated their sexual arousal as higher following the films than did low-trait-anxiety Ss. Ss above the median on trait anxiety reported more subsequent anxiety-fear and depression-distress following the films than did low-scoring Ss. (33 ref)

-Journal abstract

Mosher, D. L., and White, B. B. Effects of committed or casual erotic guided imagery on females' subjective sexual arousal and emotional response.

Journal of Sex Research, 1980, 16, 273-299.

100 college females listened to erotic guided imagery consisting of (1) sexual invitation, (2) coital contact, and (3) reflection sequences, and responded after each sequence to 3 measures of subjective sexual arousal and to the Differential Emotions Scale. The sexual invitation and coital contact sequences contained 24 cues that portrayed either a casual or a committed interpersonal context. Ss were partitioned at their respective medians on the Mosher Forced-Choice Guilt Inventory and on sex history with loved and with unloved partners. MANOVAs analyzed the 13 dependent variables. Higher sex guilt was associated with attenuated sexual arousal and reduced enjoyment and increased frequencies and/or intensities of emotions in response to the erotic guided imagery. Ss with more involved sex experience reacted to the guided imagery with less frequent and/or intense emotions than less sexually experienced Ss. The discussion includes designs of studies using the technique of guided imagery to answer experimental questions about the place or casual sex in females' erotic response and in personalities disposed to sex guilt. (53 ref)

-Journal abstract

Mueller, C. W., and Donnerstein, E. Film-facilitated arousal and prosocial behaviour.

Journal of Experimental Psychology, 1981, 17, 31-41.

Tested the applicability to prosocial behaviour of the excitation transfer model proposed by P. Tannenbaum and D. Zillmann (1975). This model predicts that for

individuals predisposed to act prosocially, arousal transferred from an unrelated source will facilitate such behaviour. Two studies were conducted in which a total of 68 male college students, treated in either a positive or neutral manner and shown an arousing erotic films or a nonarousing control film, ostensibly rewarded and punished a confederate for performance on a memory task. Contrary to predictions, Exp I found that the arousing film increased reward regardless of treatment. In Exp II, where the neutral treatment was given a more negative tone, the predicted interaction was found. While type of film had no effect on neutral Ss' reward behaviour, the arousing film did increase their positive behaviour. These results, coupled with physiological and self-report data, strongly support the excitation transfer model. (11 ref)

-Journal abstract

Neighborhood Deterioration and the Location of Adult Entertainment Establishments in St. Paul, Minneapolis, Minnesota: Minnesota Crime Prevention Center, 1978.

Using adult entertainment establishment information, crime counts, current housing values, and land use statistics, neighborhood deterioration in St. Paul, Minn., is examined. The research design for this study was divided into four stages with each stage designed to provide information on the following four issues: (1) in 1970 and in 1976 did deterioration occur in the same areas of the city in which adult entertainment businesses were located; (2) does this relationship hold when other factors are controlled statistically; (3) if the relationships persist, do adult entertainment establishments contribute to the deterioration; and (4) is the effect of adult entertainment on neighborhood quality a threshold phenomenon. Statistical methods used in the study were analysis of variance and multiple regression. An 0.05 level of significance was chosen. It was found that alcohol-serving establishments are significantly associated with neighborhood deterioration. Sexually oriented facilities are not. These relationships persist even when legal and market influences are controlled. It was further found that the alcohol-serving businesses follow relative deterioration. Additional deterioration, however, follows the establishment of the businesses. Finally, it was found that the effect of each additional adult entertainment establishment depends upon the number of such establishments already in the area. The increase in deterioration associated with each additional establishment is not constant, and thus a threshold effect is present. It is recommended that public policy decisions regarding the locations of additional establishments be based on findings of this study.

-Summary abstract -

Nevid, J. S. Exposure to homoerotic stimuli: Effects on attitudes and affects of heterosexual viewers. Journal of Social Psychology. 1983, 119, 249-255.

133 self-reported heterosexual college students in 4 classes in human sexuality were exposed to explicit sexual films depicting either male or female homosexual relationships. A randomized, separate-sample pre-posttest design was used to compare the present mood states (the multiple affect adjective checklist) and attitudes toward homosexuality (heterosexual attitudes toward homosexuality scale) of Ss immediately before and following exposure to the homoerotic stimuli. Results show higher levels of negative affects, such as anxiety and hostility, among Ss immediately following the film presentation compared to Ss who had not yet been exposed to the film. Ss who were exposed to a male homosexual film were also more antihomosexual

in their reported attitudes than were men just prior to the film presentation. Findings are discussed in terms of the potentially negative effects of isolated exposure of heterosexual viewers to homoerotic stimuli. (21 ref)

-Summary abstract

Niyazi, M. P. Rape - A community Problem and Alternative Solutions. Rape and Sexual Assault, 1980, 301-330.

This article discusses the effect of rape on the community and suggests ways to organize antirape action groups and to plan and implement antirape community projects. Rape is discussed as an act of violence affecting the safety of the whole community. Action groups are advised to engage in such activities as discouraging pornography.

-Summary abstract

Noble, H. B. Sweeping the streets - A return to the old morality puts new pressure on city police. Police Magazine, 1979, 2, 54-62.

Problems faced by urban police agencies in attempting to crack down on prostitution and commercial sex establishments are discussed, with special attention to situations in Boston, Mass., and New York, N. Y. An informal survey revealed that police in many cities are under increasing pressure from businesses, residents, and politicians to crack down on prostitution, massage parlors, pornography businesses, and other sex establishments. New York officials estimate that it is costing at least \$3 million to staff a special midtown vice squad. Other cities have spent hundreds of thousands of dollars to beef up vice squads. Police encounter many problems in attempting to enforce prostitution laws. Making cases against prostitutes is difficult at the very least and may expose officers to legal problems of their own. In many cities, the get-tough attitude is a reaction to the permissiveness of the early 1970's, when city officials were accepting the notion that prostitution and pornography are victimless crimes to be somehow accommodated by the community rather than stamped out. Beyond the practical problems involved in enforcing prostitution laws lie serious questions having to do with the relationship of prostitution law enforcement and police corruption, and with civil liberties. In Boston, the city development authority decided in 1974 to sanction adult entertainment in a four-block area. Things grew out of hand in what soon became known as the combat zone, with prostitutes mugging men on the streets. A police department internal investigation

revealed extensive police corruption in connection with the combat zone. Boston has had to devote large sums of money to eliminating the problem it created. In New York, two women who were mistakenly arrested as prostitutes have brought a class action suit against the police and the city. New York police say the two cases were rare exceptions but admit that they are under great pressure to increase prostitution arrests and frequently make such arrests under circumstances of dubious legality. New York authorities note that cracking down on prostitution is a matter of balancing the rights of the community with the rights of the individual and that the balance is a tricky one.

-Summary abstract

Norris, J. The effects of reference group gender, normative arousal message, and sex of subject on self-reported sexual arousal to a sexually explicit story. Dissertation Abstracts International. 1983, 44, 1282.

Further information not available at this time.

O'Grady, K. E. "Affect, sex guilt, gender and the rewarding punishing effects of erotic stimuli": A reanalysis and reinterpretation. Journal of Personality and Social Psychology, 1982, 43, 618-622.

Exception is taken at several points to W. Griffitt and D. L. Kaiser's (see PA, Vol 63:280) conclusions concerning the relationships among sex guilt, gender, positive and negative affect, and preference for erotic stimuli. It is argued that neither the correlation nor the regression analyses directly tested the models of human behaviour proposed by Griffitt and Kaiser. A causal modeling reanalysis of their data contradicts their conclusions but offers some support for their theory concerning responsivity to erotic stimuli. Sex guilt is found to have a direct influence on positive affect, negative affect, and preference for erotic stimuli, as well as an effect on preference for erotic stimuli through its impact on positive and negative affect. It is concluded that researchers must choose statistical models that are consistent with their hypothetical models of human behaviour. This is particularly important when the investigation involves intervening variables or mediating factors that are under observation. (6 ref)

-Journal abstract

O'Neill, M. T., and Hinton, J. W. Pupillographic assessment of sexual interest and sexual arousal. Perceptual and Motor Skills, 1977, 44, 1278.

Correlational analyses compared pupil diameter increases with degree of sexual arousal (penis diameter) and sexual interest (voluntary viewing time) to heterosexual and homosexual stimuli (pictures and films). Ss were 13 male heterosexual offenders. Results gave a positive correlation for heterosexual--'attractive'--stimuli and a negative correlation for homosexual--'aversive'--stimuli. This supports the general hypothesis that both attractive and aversive stimuli produce pupillary dilation effects.

-Author abstract

Organized Criminal Activities - South Florida and U.S. Penitentiary, Atlanta, (GA) -
Hearings before the Senate Permanent Subcommittee on Investigations, Part 3 -
95th Congress, 2nd Session, October 24 and 25, 1978.

This third in a three-part series of Congressional hearings investigates organized crime in South Florida. The testimony covers pornography links with Canadian organized

crime and organized crime in other areas of the United States are explored.

-Summary abstract

Osborn, C. A., and Pollack, R. H. The effects of two types of erotic literature on physiological and verbal measures of female sexual arousal. Journal of Sex Research, 1977, 13, 250-256.

Presented 2 sets of sex-related stories to 12 female graduate student volunteers. One set was classified as erotically realistic and the other as hard-core pornography. Sexual arousal was measured physiologically by means of a vaginal photoplethysmograph and subjectively by self-report scales. Both sets of stories produced sexual arousal. The hard-core stories produced significantly greater arousal on the vaginal pressure pulse measure and the subjective report measure, but no difference was found on the vaginal blood volume measure.

-Journal abstract

Palmer, D. E. Pornographic Comics: A content analysis. Journal of Sex Research, 1979, 15, 285-298.

The major purpose is to document, through content analysis, the nature or pornographic themes found in a collection of 100 pornographic comics usually called "eight-pagers." Pornographic categories developed by P. and E. W. Kronhausen ("The Psychology of Pornography" in Ellis, A. and Abarbanel, A. Eds, The Encyclopedia of Sexual Behaviour, Vol 2, New York: Hawthorn Books, 1961) were used. Females are depicted as similar to males in carnal appetite and sexual fantasies are equally displayed and fulfilled. The comics visually portray numerous behaviours considered legally or morally deviant, but project 'normative' sexuality by concentrating on adult monogamous heterosexual behaviour. Finally, a discussion of taxonomical, linguistic, and methodological problems in studying pornographic comics is offered.

-Summary abstract

Parulski, G. A. Jr. Of Skin and Sin. Police Product News, 1980, 4, 34-39.

Beginning with a victim's account of rape, this article notes that many rape incidents end up in murder and examines some of the rape's causes, including the growing pornography industry. The article cites comments by an author of a book on rape and a vice-squad detective as evidence for the hypothesis that pornography incites rape. In addition, citizen crusades against pornography are noted, including laws that shut down sex parlors, restrict adult theaters, and outlaw loitering. On the other hand, the 1970 Federal Commission on Obscenity and Pornography found no reliable evidence to date that exposure to explicit sexual material played a significant role in the causation of delinquent or criminal sexual behaviour. Furthermore, several other studies found there was, in fact, no connection between rape and pornography. The article also discusses problems of false rape accusations, which account for less than 11 percent of rape reports, and describes innovations in police handling of rape cases. Such victims whenever possible in New York, Los Angeles, and Chicago; training female deputies as investigators of rape cases in Los Angeles County; and offering the free services of a trained psychiatrist to any rape victim who requests them in Berkeley, Calif.

-Summary abstract

Pawlowski, W. Response to sexual films as a function of anxiety level. Psychological Reports, 1979, 44, 1067-1073.

72 Ss aged 18-30 yrs viewed 2 sexually explicit films showing 1 and 2 couples. Ss were classified as either high, medium, or low in anxiety according to their scores on the Taylor Manifest Anxiety Scale. Multiple ANOVA showed no significant differences in the sexual stimulation, though change, or ratings of change in physical state for Ss' level of anxiety or sex. Findings do not support an inverse relationship between anxiety and favourable response to sexually explicit films. 95% of Ss reported some degree of sexual arousal to each film. A significant number of Ss (a) reported an increase in the pleasantness of physical state and thoughts for both films and (b) preferred the film the found to more sexually stimulating. (12 ref)

-Journal abstract

Payton, J. M. Child pornography legislation: Notes: Journal of Family Law, 1979, 17, 505-543.

This article examines legislation enacted to curb the growth of child pornography against the frame work of constitutional restrictions and practical limitations of enforcement. Pertinent federal legislation, with emphasis on the various provisions passed in 1978, is examined. For example, the protection of children against sexual exploitation act of 1977, passed in January 1978 which among among its other statutory provisions applies to parents and those directly involved in employing child-models to produce sexually explicit material shipped in interstate commerce, was the result of much negotiation in the House and Senate. It illustrates the problems inherent in the child abuse approach versus the obscenity approach. The problems are mirrored in similar state legislative skirmishes. Generally, State statutes are broader than federal legislation and tend to focus on depictions of certain acts rather than view the works (films, articles, etc.) as a whole. Unlike federal legislation, state law usually does not provide separate standards for regulation of speech as opposed to conduct. Judicial opinions concerning the constitutionality of child pornography legislation and other issues are discussed, particularly St. Martin's press V. Carey and Graham V. Hill (1977). Both promoting sexually explicit material. To more effectively attack the child pornography problem, states should ensure through their licensing laws and through inspection and supervision that

all institutions for minors are safe and decent places to raise children. Runaway children, who are often exploited, should be better provided for in legislation. However, promoting a blanket ban on anything remotely suggestive in order to prevent child pornography will engender citizens' constitutional protections.

-Summary abstract

Peek, C. W., and Brown, S. Pornography as a political symbol: Attitudes toward commercial nudity and attitudes toward political organizations. Social Science Quarterly, 1978, 58, 717-723.

Is pornography just another political issue, or is it related to (and thus symbolic of) other political orientations? Answers to this question have been limited and inconclusive. Analysis of data from a 1973 Gallup poll points toward the latter conclusion. Findings reveal that a composite measure of attitudes toward 3 types of commercial nudity (topless nightclub waitresses, nudity in Broadway plays, and nudity in magazines) is weakly but significantly related to attitudes toward 4 political organizations (FBI, local police, United States, and USSR), both before and after simultaneous controls for 9 other variables. Commercial nudity as a type of pornography then, seems to be more than just another limited political issue, since attitudes toward it represent at least some other political orientations.

-Summary abstract

Peek, C. W., Witt, D. D., and Gay, D. A. Pornography: Important political symbol or limited political issue? Sociological Focus, 1982, 15, 41-51.

From the perspectives of both 'status politics' and 'politics of life style concerns,' pornography is viewed as a political symbol, its opposition signifying general political conservatism. Analysis of data from a 1973 Gallup poll (number of cases = 1,554 United States adults) shows that a particular type of pornography, commercial nudity, is more of a limited political issue. Opposition to this type of pornography is significantly related to an indicator of general political conservatism; however, this relationship has little carryover effect on associations between attitudes toward commercial nudity and attitudes toward specific political topics. What opposition to commercial nudity seems to symbolize is conservative sexual morality, exhibiting a much stronger association with an indicator of this morality than with any other variable studied.

-Summary abstract

Perkins, K. B., and Skipper, J. K. Jr. Pornographic and sex paraphernalia shops:
An ethnography of expressive work settings. Deviant Behaviour, 1981, 2, 187-199.

Findings are presented from a study of pornographic bookstores and sex paraphernalia shops, focusing on the Salon and the Tack Room, two work settings located in a major eastern United States city and catering to the sexual interests of the gay community. The most important finding of some 30 hours of participant observation and interviews with patrons and employees was that these settings manifested an expressive orientation to work, with the convergence of work and individual identity clearly evident. This was not the case with the majority of other stores examined. A transcription of rich and colorful interview material is included and implications of the findings are discussed.

-Summary abstract

Perlman, B. J., and Weber, S. J. The effects of preinformation on reactions to a violent passage and an erotic passage. Journal of Social Psychology, 1979, 109, 127-138.

48 male and 48 female undergraduates read and rated a violent (negatively arousing) passage, an erotic (positively arousing) passage, and an emotionally neutral passage. Preinformation consisted of either a 3-line description of each passage, a brief 1-line description, or no description. Sex of S and order of passage presentation were also varied. Major findings were that preinformation produced significant multivariate and univariate effects on S's reported reactions to both the violent and the erotic passages, with the brief description leading to the strongest reactions. Uncertainty and individually generated thoughts may have a role in this preinformation effect. (23 ref)

-Journal abstract

Phillips, L., and Votey, H. L. Jr. Economic basis for the definition and control of crime. In S. S. Nagel (Ed.), Modeling the Criminal Justice System. Beverly Hills: Sage Publications, Inc., 1977.

An effort is made to decide which actions, based on social cost, should be classified as crime, and to develop practical rules for the allocation of criminal justice resources. Society's goal is to minimize the social cost of crime subject to the

technical constraints of the criminal justice system and the limitations implicit in the behavioural relationship of members of the society. A systems approach to crime control uses a mathematical model to determine the amount of crime which can be deterred through certainty of punishment, severity of punishment, and various etiological factors. This model, applied to certain felonies, shows that: (1) the deterrent effect of arrest varies from -0.4 for robberies to -1.5 or -3.6 for murder, depending on the study; (2) the closer the event is to the crime, the greater the deterrent effect: arrest is a greater deterrent than imprisonment, which has a -0.2 to -0.3 correlation to deterrence; (3) certain classes of behaviour may be uncontrollable because the benefits to the individual outweigh the costs of social control. This third category is made up of two subcategories, crimes which exact a great toll on the individual engaging in them, such as drug addiction, and crimes which have high individual benefit, such as black market activity, crimes with high individual benefits cost a great deal to control and such control may merely drive the activity underground; an example is gambling. On this scale, street crime is highly controllable; use of marijuana, tobacco, alcohol, or nude bathing are highly controllable in public but not in private; and drunken driving, prostitution, heroin use, and pornography are difficult to control. This is not to criticize police for spending time on public drunkenness, gambling, and prostitution. Those who oppose such activities are a highly vocal group and by driving such behaviour underground this group is mollified. However, when discussing crime, true social cost must be kept in mind.

-Summary abstract

Phillipa, M. Your Rights When You're Young. Syracuse, New York: New Readers Press, 1979.

This handbook for young people under 18 describes their legal rights in relation to families, the community, being an emancipated minor, medical care, schools, and the criminal justice system. A discussion of the effects of laws, courts, and government agencies on individual rights is followed by a brief history of the traditions which view children as property or as needing protection. The section on community focuses on laws affecting minors such as pornography.

-Summary abstract

Phillips, W. R. F., and Dyble, J. E. Urbanism, Tolerance, and Sexual Deversity:
A Further Test of Louis Wirth's Hypothesis. Society for the Study of Social
Problems (SSSP), 1978, 1008.

L. Wirth suggested that 'toleration of differences' is a direct effect of the dense and heterogeneous conditions of urban places. C. Fischer explored this hypothesis using attitudes toward blacks, Jews, and Catholics as his dependent variables. He found that although there was an original association between size of place of residence and acceptance of others, the association was significantly reduced when other variables were controlled. An attempt is made to improve upon and extend Fischer's research. It is a secondary analysis of NORC 1973 General Social Survey data. The independent variable, city size, is measured separately, using: (1) the NORC size of place code, and (2) the SRC Belt code. The two dependent variables are: (A) attitudes toward homosexuals (measured by an additive scale composed of three items concerned with the civil liberties of male homosexuals), and (B) attitudes toward diverse sexual practices (measured by an additive scale composed of six items dealing with attitudes toward extramarital sexual relations and the use of pornographic materials). Control variables include; education, age, region, income, occupation, religion, sex, and race. Identical step-wise regression analyses were performed for each of the two dependent variables. Most of the original association between city size and tolerance for sexual diversity is eliminated when other variables are introduced. This is consistent with Fischer's results. The two variables which are most related to tolerance when others are controlled are education and age. These relationships were not explored by Fischer.

-Summary abstract

Pincus, S., and Waters, L. K. Effect of age restrictions and pornographic content on desirability of reading material. Psychological Reports, 1976, 38, 943-947.

Evaluation of reading materials by 96 male and 96 female undergraduates under 21 yrs of age was investigated for combinations of age restriction and pornographic content. Information purportedly from a book's cover indicated the book was pornographic to half the Ss and that the purchase of the book was restricted to those 21 yrs and older for the other half. Combinations of pornographic content (indicated, not indicated) and age restrictions (21 yrs and older, no indication) defined the treatment for both sexes. A significant interaction of age restriction and pornographic content was obtained for dependent measures of wanting to read and perceived liking of the

book. In both cases, age restriction had a significant effect (higher ratings when the book was said to be restricted) when no explicit pornographic content was indicated. However, when the book was indicated to be pornographic, ratings under the restricted and unrestricted conditions did not differ. Results partially support the prediction from commodity theory that restricting the availability of materials increases their desirability. It is suggested that a social desirability response-set may have influenced ratings when the book was said to be pornographic.
-Journal abstract

Pirke, K. M., Kockott, G., and Dittmar, F. Psychosexual stimulation and plasma testosterone in man. Archives of Sexual Behaviour, 1974, 3, 577-584.

Measured plasma testosterone every 15 min for 3½ hrs in 8 21-34 yr old males before, during, and after the showing of a sexually explicit movie. There was an average increase of 35% in testosterone. The maximum concentration was observed 60-90 min after the end of the film. No increase was found in 8 control Ss who saw a sexually neutral film.

-Journal abstract

Platt, I. Crime Pays - In P. Wickman and P. Whitten (Eds), Readings in Criminology. Lexington, Maryland: Heath/Lexington Books, 1978.

Estimates are presented of how much money can be made by successful professional criminals and of the costs incurred by the criminals. Pornography store clerks can make \$25,000 a year. Criminals often argue that their overhead costs are just like those of any other business. The criminal's overhead includes things that cannot be measured in dollars and cents (e.g., psychological stress) in addition to attorneys' fees and the costs involved in dealing with the police and the courts. The overhead costs are sometimes exceedingly high, especially in terms of personal freedom, but the payoff, enhanced by the fact that it is tax free. Usually is higher.

-Summary abstract

Police Yearbook, 1978. Gaithersburg, Maryland: International Association of Chiefs of Police, 1978.

General session addresses, workshop and training session proceedings, and other

materials from the 84th annual conference of the International Association of Chiefs of Police (IACP) are presented. Documented are presentations from workshops on team policing, pornography and obscenity, police libraries, white collar crime, the impact of television violence on street crime.

-Summary abstract

Pope, R. S. Child pornography: A new role for the obscenity doctrine. University of Illinois Law Forum, 1978, 1978, 711-757.

The legal ramifications of the Illinois, New York, California, and federal child pornography statutes are examined, with particular attention to the Illinois statute. The 1977 Legislative responses to public outcries against child pornography led to the enactment by twelve states and the federal government of child pornography legislation, with most states structuring serious criminal penalties around an obscenity standard. The statutes were not designed to suppress offensive sexual abuse against children who might be used in pornographic media. By focusing on the impact of the acts depicted on the participant, the child pornography statutes put the obscenity doctrine to a use never envisioned by the supreme court in its decision in the case of Miller V. California. The Miller obscenity test requires findings of an appeal to prurient interest, patent offensiveness, and lack of serious value in the material at issue. All of these standards have references to the impact of the material on the recipient. Also of relevance is the 'variable obscenity' doctrine, which broadens the definition of obscenity when the material is directed to sexual deviates or juveniles. The court should provide more stringent requirements for the prosecution's burden of proof regarding the existence of an intended and probable recipient group. It should specify precisely what types of portrayals may trigger application of variable obscenity standards. Finally, It should direct that, at least outside the area of dissemination to juveniles, the judge or jury may vary only the prurient-appeal element of the Miller test, not the test for serious value. Such action should reduce the dangers of improper conviction for disseminating socially valuable sexual depictions of children, as well as other forms of unpopular sexual expression, without limiting action against the 'hard-core pornography.' Footnotes are provided, and appendixes contain Illinois child pornography statutes.

-Summary abstract

Prerost, F. J. Developmental aspects of adolescent sexuality as reflected in reactions to sexually explicit humor. Psychological Reports, 1980, 46, 543-548.

Assessed male and female appreciation of sexual humor in early (13-yr-olds), middle (16-yr-olds), and late adolescence (19-yr-olds). 30 males and 30 females from Catholic schools served in each age group. Age, Sex of S, and sexual content explicitness of humor material were significant factors affecting enjoyment of sexual humor. Convergence in the appreciation of sexual humor between males and females occurred in middle adolescence, but dissimilar patterns of appreciation divergence appeared in early and late adolescence. The differential patterns of appreciation evidenced by the males and females of different ages are discussed in terms of the current sex-role restraints on the expression of sexuality during adolescent years and how these restraints have changed. (14 ref)

-Summary abstract

Protection of Children Against Sexual Exploitation Hearings Before the Senate Subcommittee to Investigate Juvenile Delinquency, Washington, DC, 1978.

The statements and letters of 23 interested persons are included in this transcript of hearings conducted in Chicago and Washington, D.C. on the use of children in the production of pornographic materials. The hearings were held by the U. S. Senate Judiciary Subcommittee to investigate juvenile children in pornographic materials. The relationship between child pornography and child prostitution, possible damage to the children, and the need for federal legislation. The transcripts present testimony by parents, ministers, social workers, police officials, a juvenile actually engaged in pornographic moves. Expert witnesses also covered first amendment protection for pornographic materials and the legality of such materials under various statutes. An appended study summarizes the five federal statutes from Connecticut, North Carolina, North Dakota, South Carolina, Tennessee, and The City of Vernon, Texas. Other appended materials include a discussion of press protection under the first amendment, a summary of obscenity indictments and convictions by the justice department, a summary of postal statue investigations by the office of the postmaster general, and several newspaper and magazine clippings on the topic.

-Summary abstract

Rabock, J. Erotica. Ceskoslovenska Psychiatrie, 1976, 72, 182-188.

Discusses latest research studies, which are mostly American, on the effect of popular erotic literature on sexual health and behaviour of juveniles and adults. The increased permissiveness in Western countries toward sensationally sexual or outright pornographic mass stimuli is pointed out, but the opinion is voiced that correct information concerning sexual problems helps the population to establish sound attitudes toward sexuality. (Russian and English summaries).

-Journal abstract

Ramirez, J., Bryant, J., and Zillmann, D. Effects of erotica on retaliatory behaviour as a function of level of prior provocation. Journal of Personality and Social Psychology, 1982, 43, 971-978.

72 male undergraduates were mildly or severely provoked by the experiments; exposed to nonerotic, suggestive, or explicitly erotic stimuli; and then provided with an opportunity to treat their provoker in a hostile manner. The effect of exposure to suggestive erotica interacted with degree of provocation. Exposure to such erotica significantly reduced hostile behaviour under conditions of severe provocation, in contrast, exposure to explicit erotica significantly increased hostile behaviour, and this effect did not reliably interact with degree of provocation. There was some indication, however, that the hostility-enhancing effect of exposure to explicit erotica was strongest under conditions of severe provocation. (22 ref).

-Summary abstract

Ray, R. E., and Thompson, W. D. Autonomic correlates of female guilt responses to erotic visual stimuli. Psychological Reports, 1974, 34, 1299-1306.

Investigated the interaction between the personality trait of sex guilt and types of sexual stimuli and their effect on heart rate and the galvanic skin response (GSR). 60 undergraduate women were divided into high sex-guilt and low sex-guilt groups on the basis of their responses to Mosher's True-False Guilt Inventory. 10 high sex-guilt and 10 low sex-guilt Ss were randomly assigned to each of 3 experimental stimuli. All Ss responded with significantly greater GSR's when viewing the masturbatory and coital stimuli than they did while viewing the dating stimulus. Low sex-guilt Ss exhibited a significant cardiac deceleration when viewing the coital stimulus, while high sex-guilt Ss exhibited a nonsignificant

cardiac acceleration to the same stimulus. (27 ref)

-Journal abstract

Reiss, I. L. Some observations on ideology and sexuality in America. Journal of Marriage and the Family, 1981, 43, 271-283.

In the last several years, the public debate on sexuality has increasingly indicated that strong ideological biases are operating in our sexual lives. To illustrate and analyze these biases, 5 substantive areas of public controversy are examined: for evidence of ideological tenets concerning human sexuality; abortion, genetic differences, exploitation and pornography, sexual normality, and sexual history. Two broad ideologies are derived from this examination; traditional-romantic and modern-naturalistic, and several tenets of each type are formally stated. Both of these conflicting ideologies blind their adherents to the broader set of choices and perspectives that are available in the area of human sexuality. The ideology of science offers a way of understanding these conflicting ideologies. Thus, social science research into such ideologies must be encouraged, despite the potential clash with personal ideologies. (32 ref)

-Journal abstract

Reynolds, B. S. Biofeedback and facilitation of erection in men with erectile dysfunction. Archives of Sexual Behaviour, 1980, 9, 101-113.

Instructed 30 men (mean age 37 yrs) with psychogenic erectile dysfunction to concentrate on cognitions that facilitate erection. Ss were divided into 3 groups that received either continuous feedback of erection changes plus segments of erotic film delivered contingent of erection increases, contingent film segments without continuous feedback, or noncontingent film segments. The groups did not differ by the final training session. However, when Ss were instructed to facilitate erection without the aid of feedback or film segments during evaluation trials that followed each training session, Ss who had received contingent film without continuous feedback showed greater erectile responsivity than the other Ss. The groups did not differ in the amount of clinical improvement shown on self-report measures concerning erectile functioning during a 1-mo follow-up period. (21 ref)

-Summary abstract

Rich, R. M. Crimes Without Victims: Deviance and the Criminal Law. Washington, D. C: University Press of America, 1978.

Forms of social deviance commonly thought of as victimless crimes are examined, with a view to assessing the pro's and con's of decriminalization. The text opens with an overview of deviance and its relationship to social policy-definitions, theories, criticisms of theories, law and morality, the concept of victimless crimes, overcriminalization and its costs to society, treatment and rehabilitation of persons convicted of victimless crimes, and related issues. A sociological typology of deviance theories is provided. Subsequent chapters deal separately with specific forms of social deviance: e.g., pornography and obscenity.

-Summary abstract

Richard, S. F. The business of pornography: Methodological and ethnical considerations in the study of an adult bookstore chain. Society for the Study of Social Problems (SSSP), 1983, 2155.

Despite the initial work of the Commission of Obscenity and Pornography, there exists a paucity of data concerning adult bookstores and their operation. Past research has been of minimal duration and has focused on patrons while ignoring employees and other aspects of the business. A study is presented based on personal experience working as a clerk in an adult bookstore chain for approximately 450 hours over a 2-month period, investigating the day-to-day operation of the business from the perspectives of employees and management. Focus is on the implications of the methodology and the ethical problems that are a part of such a research design. Areas examined include; conception of research, the reasoning behind using field research, problems faced in gaining approval from the Human Subjects Review Board, presentation of self to the bookstore owner and employees, ethical questions inherent in research of this nature, and methods used to minimize these problems.

-Summary abstract

Rico, J. M. Penal law in Latin America. Paper presented at the National Seminar on Criminology, Panama City, 1978.

The existing criminal codes in Latin America are mostly obsolete and should be reformed to reflect current political and societal changes. Laws themselves reflect the social, economic and political realities of the country which formulates them.

In Latin America the majority of criminal codes in the various countries were inspired by 19th-century European models. They are also inspired by abstract principles of morals and justice and do not always reflect the changing values of modern societies, where pressures are building for the decriminalization and depenalization of some types of 'victimless crimes' (homosexuality, pornography, prostitution, sexual relations with or between minors, gambling, abortion, or drugs.

-Summary abstract

Rieber, R. W., Wiedemann, C., and Damato, J. Obscenity: Its frequency and context of usage as compared in males, nonfeminist females, and feminist females. Journal of Psycholinguistic Research, 1979, 8, 201-223.

Male and female attitudes toward and frequency of usage of 3 obscene terms were examined. Subjects were 29 members from each of 3 groups: Male and female college students and females determined to be feminists by their membership in a feminist organization. Subjects were given a 2-part questionnaire. The first part involved rating the 3 obscene words on a Semantic Differential Scale, while the second involved connotative use of the 3 words and an estimation of frequency with which subjects used each word. Results agreed with earlier findings that females reacted more strongly to the obscene language than did males; however, feminist females reacted differently from both other groups, viewing obscenity as less potent and showing a significantly greater frequency of use. Possible reasons for this finding are discussed.

-Summary abstract.

Rist, R. C. The pornography controversy: Changing moral standards in American life, New Brunswick, NJ: Transaction Books, 1975.

Presents a collection of 14 essays on the logical, moral, cultural, and social problems faced by those who define, defend, criticize, or control the use of sexually explicit material in the US.

-Summary abstract

Ritter, B. Adolescent Runaway: A national problem. U.S.A. Today, 1979, 107, 24-28.

The complex issues raised by the thousands of young people who have run away from

home cross a dozen different jurisdictions--States' rights, parents' rights, children's rights, etc.--and can be handled by such programs as Covenant House in New York City. Over 1,000,000 juveniles run away every year in the U.S., in addition to the thousands of self-emancipated youngsters between the ages of 16 and 18. The Covenant House has acted as a crisis center for several years with 4,000 children applying for help in just the first year of the House's operation. The ambiguity, confusion, and differences in statutes between one State and another, and within the same State, make it almost impossible on occasion to resolve the legal status of a runaway or homeless child. An overburdened New York City police force cannot begin to cope with the huge numbers and do not have any jurisdiction over children age 16 or older. These older children are especially problematic because it is extremely difficult for them to receive public assistance, find decent jobs, or enter into contracts. Thus many of the children become willing or unwilling victims of the \$1,500,000 sex industry that feeds on children in the Times Square area. Since the children are hungry, homeless, and have nothing to sell but themselves, they are easily victimized and abused. While the New York police cannot be blamed for inadequately enforcing difficult laws, they clearly do not make the crime of child prostitution and abuse a priority; this is true also of the district attorney, the Attorney General, the judges, and the politicians. Prostitution and child abuse are big business and are obviously protected. Meanwhile child abuse continues, at the hands of parents and family, on the streets, and at the hands of bureaucracy of child services. The Special Services for Children (SSC) and the Division of Youth are culprits in this respect. The SSC almost appears to have an official policy of foot-dragging with regard to the certification of children for care. Such antiquated, financially limited administrations are not helping those children whose numbers are growing and whose problems are worsening. Programs such as those at Covenant House can go a long way towards alleviating those problems. Extensive case examples are provided.

-Summary abstract

Roth, R. A. Child Sexual Abuse: Incest, Assault, and Sexual Exploitation - A Special Report from the National Center on Child Abuse and Neglect. Washington, D.C.: Superintendent of Documents GPO, 1978.

An overview of child sexual abuse--its nature, extent dynamics, effects, prevention, treatment--is presented in a booklet directed to professionals and lay persons concerned with the problem. Sexual abuse of children encompasses many behaviours

and involves varying degrees of violence and emotional trauma. There are no statistics on the incidence of child sexual abuse, but it has been estimated that between 60,000 and 100,000 cases occur annually. Most estimates exclude the victims of pornographic exploitation and child prostitution, and there is reason to believe that child sexual abuse is underreported.

-Summary abstract

Rubin, H. B., and Henson, D. E., Voluntary enhancement of penile erection. Bulletin of the Psychonomic Society, 1975, 6, 158-160.

6 22-28 yr old males, 2 of whom were experimentally experienced, developed moderate to high sexual arousal, as measured by a penile transducer, to an erotic film and in the absence of overt erotic stimulation, to erotic fantasy. When instructed to enhance their arousal to the film without employing any physical stimulation, 4 Ss were able to significantly increase their erections above the levels that were produced by either the film or the fantasy alone. The remaining 2 Ss, however, responded in an opposite manner in that the instructions to enhance arousal resulted in a decrease of their erections to a level below that produced by either the film or the fantasy alone. Data indicate that although attempts to voluntarily control sexual arousal may be distracting to some men, they are effective for others.

-Journal abstract

Rubin, H. B., and Henson, D. E. Effects of alcohol on male sexual responding. Psychopharmacology, 1976, 42, 123-134.

16 21-29 yr old paid males participated in a repeated measures design in which they served as their own controls to determine the effects of various amounts of alcohol on (a) sexual arousal elicited by erotic motion-pictures, as measured by a penile transducer; (b) the ability to voluntarily inhibit their arousal to those same films in accordance with instructions; and (c) the ability to become voluntarily aroused in the absence of overt stimuli. Ingestion of a low (0.5 or 0.6 ml/kg) or moderate (1.0 or 1.2 ml/kg) amount of alcohol resulted in a small but significant depression of mean sexual arousal, but other measures were not affected. However, the ingestion of a high (1.5 or 1.8 ml/kg) amount of alcohol resulted in every measure of evoked arousal being depressed by a comparatively large degree. The high level of alcohol also effected a very large decrease in sexual arousal when Ss were instructed

to become sexually aroused in the absence of overt erotic stimuli. None of the 3 amounts of alcohol caused a significant impairment in the ability to voluntarily inhibit sexual arousal, even though most Ss experienced some deterioration in that ability after ingesting a moderate amount of alcohol. The actions of alcohol on sexual responses were not significantly correlated with its effects on a nonsexual matching task, were not related to subjective reports of how alcohol usually affects sexual behaviour, and were generally not related to reported drinking history. (36 ref)
-Journal abstract

Rubin, H. B., Henson, D. E., Falvo, R. E., and High, R. W. The relationship between men's endogenous levels of testosterone and their penile responses to erotic stimuli. Behaviour Research and Therapy, 1979, 17, 305-312.

Compared the endogenous levels of testosterone of 6 non-clinical, sexually functional adults (aged 25-44 yrs) to the magnitude and speed of development of their objectively measured penile erections to repeated presentations of an erotic film and to their self-reported sexual activity. Plasma testosterone concentrations were significantly correlated with 2 measures of the magnitude of film-elicited sexual arousal (i.e., both peak and mean erection) and with 1 measure of the speed of development of sexual arousal (i.e., the latency to 90% of full erection) but not with the other (i.e., the latency to 20% of full erection). There was also a significant inverse relationship between testosterone levels and their reported frequency of orgasm by any means, but the reported time from their last orgasm was not related to testosterone levels. Data suggest that sexual arousal and arousability are directly influenced by fluctuations in the levels of endogenous testosterone (48 ref).

-Journal abstract

Runcie, D., and O'Bannon, R. M. An independence of induced amnesia and emotional response. American Journal of Psychology, 1977, 90, 55-61.

Conducted an experiment with 40 undergraduates in which a photograph of a nude was interpolated midway through a 30-item list. Recognition memory of items at various serial positions was measured by presenting 12 old and 12 new pictures on a test trial. Palmar conductance was also measured. Significantly decreased recognition memory and increased palmar conductance accompanied presentation of the picture of the nude. When the 2 measures were compared for individual Ss, however, no correlation was found. These data suggest that both responses are likely to occur to the presentation of the critical item but that the responses are independent.

Sagarin, R., and Montanino, F. (Eds.) Deviants: Voluntary Actors in a Hostile World. Morristown, New Jersey: General Learning Press, 1977.

A collection of articles examines the development of voluntary deviants and their interactions with society; particular attention is given to the aspect of responsibility for deviant acts or behaviour. Deviants are defined as persons who incite social reaction or who bring negative evaluation from significant portions of society. The introductory selection makes a distinction between voluntary deviants, who deliberately and purposively behave in a deviant manner, and involuntary deviants, such as the physically handicapped, the mentally retarded and brain damaged, the mentally ill, and the terminally ill. The selection on pornography and society discusses the place of erotica in society, the effect of erotica on people, and the legal control of erotica.

-Summary abstract

Samek, W. R. Aggressive and sexual arousal as a function of the attribution of the type of the arousal, the sex of the subject, and the sexual composition of the group. Dissertation Abstracts International, 1978, 38, 6126.

Further information unavailable at this time.

Sapolsky, B. S., and Zillmann, D. The effect of the soft-core and hard-core erotica on provoked and unprovoked hostile behaviour. Journal of Sex Research, 1981, 17, 319-343.

Tested the effects of erotica on hostile behaviour in 2 experiments with a total of 127 male and 60 female undergraduates. Ss were divided into groups that viewed 1 of 4 films that varied from nonerotic to hard-core erotic. Ss were then given the chance to behave in hostile and retaliatory manners. It was predicted that provoked Ss' hostility would be reduced by minimally arousing but maximally pleasant erotica and increased by maximally arousing but minimally pleasant erotica. Females reported being disturbed to a much greater degree by the stimuli than did males. Males reported positive affective reactions to films depicting coitus. Inexplicit erotica with positive hedonic valence did not reduce hostile reactions in provoked males, nor did explicit erotica with positive valence facilitate such reactions. The hostile behaviour of provoked males and females was enhanced, however by strongly arousing but moderately disturbing erotica. For females, this condition was met

by an explicit film of coitus; for males, a film of precoital behaviour enhanced hostile reactions. A model of erotica effects is proposed in which excitatory and hedonic reactions are jointly considered. (24 ref).

-Summary abstract

Schaefer, H. H., and Colgan, A. H. The effect of pornography on penile tumescence as a function of reinforcement and novelty. Behaviour Therapy, 1977, 8, 938-946.

Monitored penile response in 6 21-30 yr old volunteers while pornography was presented repeatedly for 6 trials over a period of 2 wks. A significant decrement in penile response to the repeated stimuli occurred, although novel stimuli continued to elicit a response. Two further Ss were exposed to the same procedure, except that immediate sexual reinforcement followed each trial. After 6 trials, responding for these 2 Ss had increased, suggesting that extinction rather than satiation or habituation may be involved when decreased responding over trials is found in laboratory studies of pornography. (39 ref)

-Journal abstract

Schill, E. R., Monroe, S. and Drain, D. Effects of approval or disapproval on reading behaviour of high- and low-guilt subjects. Journal of Consulting and Clinical Psychology, 1975, 43, 104.

Hypothesized that censure would enhance viewing of an erotic magazine for low- but not for high-guilt Ss. In contrast to the prediction, mean viewing time for high-guilt Ss was significantly higher in the positive and negative comment conditions than in neutral conditions, while the viewing time of low-guilt Ss in the positive and negative conditions did not significantly differ from the neutral condition.

-Summary abstract

Schill, T., Van Tuinen, M., and Doty, D. Repeated exposure to pornography and arousal level of subjects varying in guilt. Psychological Reports, 1980, 46, 467-471.

Determined whether the negative relationship between level of guilt and tendency to respond sexually is due to the fact that guilt reduces sexual arousal, as suggested by G. Galbraith (1968). In Study 1, 42 male undergraduates rated sexual arousal

as well as a variety of other feelings after reading each of 8 different pornographic passages. In Study 2, 40 Ss made similar ratings each time after reading the same page of pornography for 8 trials. In both studies Ss high and low in sex guilt (Mosher Forced-Choice Guilt Inventory) initially reported a moderate level of sexual arousal that then declined with repeated exposure. The minimal sexual responding of Ss high in guilt found in the literature may be a function of inhibition and not, as Galbraith suggests, a function of a lower level of sexual arousal.
(10 ref)

-Journal abstract.

Schmidt, G. Male-female differences in sexual arousal and behaviour during and after exposure to sexually explicit stimuli. Archives of Sexual Behaviour, 1975, 4, 353-365.

The results of 5 experimental studies on sex differences in emotional and sexual reactions to the exposure to sexually explicit stimuli (films, slides, stories), involving a total of 1,124 male and female students is summarized. The pattern and intensity of reactions to sexually explicit stimuli are found to be in general the same for m's and f's. When significant differences between the sexes are shown, they represent merely minor shifts in the total pattern. These differences can not divert attention from the fact that women can react to the same extent and in the same direction as men. This holds true for affectionate and nonaffectionate, for nonaggressive, and aggressive-sexual stimuli. The results are in contradiction to earlier findings by A. Kinsey et al, and are seen as 1 symptom of the general convergence process of male-f sexualitv during the last decade. The relation of this convergence process and sexual liberalization is discussed.

-Summary abstract

Schoen, M. The influence of sex guilt and sexual experience on attitudes toward sexually explicit behaviour portrayed in visuals. Dissertation Abstracts International, 1980, 41, 544.

Further information unavailable at this time.

Schoettle, U. C. Treatment of the child pornography patient. American Journal of Psychiatry, 1980, 137, 1109-1110.

Presents the case report of a 12-yr-old girl and her siblings who were involved in a child pornography ring for 3½ yrs. Three phases in treating such children (sexual, ambivalent, and integration) are discussed. (9ref)

-Summary abstract

Schreiner, E. P., Schiavi, R. C. and Smith, H. Female sexual arousal: Relation between cognitive and genital assessments. Journal of Sex and Marital Therapy, 1981, 7, 256-267.

Assessed the relationship between self-report of arousal and changes in vaginal vasocongestion as well as the influence of menstrual cycle phases, degree of arousal, and the nature of the erotic stimulus in 30 nondysfunctional women aged 20-30 yrs during the follicular, ovulatory, and luteal phases of one menstrual month. Stimuli included an erotic tape recording and 2 fantasies. Dependent measures of arousal included a scaled subjective assessment, genital pulse amplitude, and time above a criterion level of increased vasocongestion as measured by a photoplethysmograph. Significant individual differences in sexual arousal were found with all measures. Arousal responses were highly correlated across 3 stimulus conditions in each laboratory session. Erotic tape recordings elicited more arousal than fantasies. Subjective reports of degree of sexual arousal were all positively correlated with objective assessments of sexual arousal, but few correlations reached significant levels; subjective-physiologic correlations were higher when arousal was elicited by fantasy than when the stimulus was an erotic tape and during the luteal phase of the menstrual cycle. (36 ref)

-Summary abstract

Schultz, L. G, (Ed.) Sexual Victimology of Youth. Spring Field. Illinois: Charles C. Thomas, 1980.

This anthology of readings on child sexual abuse focuses on the issues of legal control, diagnosis and treatment, incest, the victim and the justice system, the child sex industry, and sexual emancipation. A section devoted to the child sex industry examines adult sexual interest in children and minors. Interviews with

unconvicted child molesters and their spouses document pederastic and pedophilic behaviours. The recruitment and use of minors in pornographic filmmaking is also discussed.

-Summary abstract

Sennett, R. Destructive Gemeinschaft. Partisan Review, 1976, 43, 341-361.

To-FUMnies defined Gemeinschaft und Gesellschaft in historical terms. Currently, the former has been dehistoricized and converted to a moral absolute, enshrined in concepts of 'authenticity,' 'self-disclosure,' and 'open community.' As a consequence, social relations have come to seem sterile. Through investigating the redefinition of the 19th century eroticism into 20th century sexuality, and the transformation of privacy into today's idea of intimacy, the changes in modern society that have imbued Gemeinschaft with destructive character, become apparent. The 19th century bourgeoisie's repressive eroticism arose from 3 beliefs: (1) that individual personality was immanent in appearances in the public world, (2) that all details of appearance had a personalistic meaning, and (3) that intimate (i.e., sexual) emotions remained exposed and judged in societal terms. For all its strictures, such a belief structure incorporated an obvious awareness and concern for social relations. 20th century Gemeinschaft, on the other hand, though rooted in 19th century assumptions, fails in this area. The modern obsession with the immanent personality to the point that the world becomes a narcissistic mirror of the self; the concept of an endless mutable (a 'protean') self; and the belief that such a self interacts and affirms itself through market-transactions of self-revelation, has produced people unable to 'find themselves' and all too willing to abandon one another. The privatization of the family (or other small communal group), though quite recognizable in the 19th century, has assumed new dimensions. A world alien to the self to which the self refers, no longer is perceived. Having lost its identity as a work unit, the family has become a purely psychological and morally dominant entity. Within such a context, much is lost--the ability to play and the possibility of self-transcendence from the self's moral life. Liberation of the self becomes liberation from the self. We have moved from a world where personality was only socialized by ideas of repression to one where personality is not socialized at all--an equally untenable situation. The ideal of pure Gemeinschaft reifies the family and blinds us to the evil in ourselves. It may be fought either from within or without; either by the socialization of

feelings, or by the renovation of an impersonal social world in which people could escape their families or the burdens of their own feelings.

-Summary abstract

Sex Crimes. Niles, Illinois: United Learning, 1978.

This audiocassette and slide presentation outlines for law enforcement officers some two dozen separate types of sex crimes, some of which bear no obvious relation to what is generally regarded as sex. Types of sex crimes are examined (i.e., fringe sex, substitute objects, substitute acts), in addition to aspects affecting investigation and control of these crimes. The types of fringe sex examined include frottage, mutual masturbation, sodomy, voyeurism, exhibitionism, and group sex, while certain other forms of deviance are characterized as substitute sex, where the 'normally acceptable' partner is replaced, usually by force, with some other 'sex object'. These cases may involve rape, child molesting, gerontophilia, incest, bestiality, necrophilia, and fetishism. Substitute sex acts--both aggressive and passive--often include sadism and masochism, vampirism, cannibalism, obscene phone calls, kleptomania, and pyromania. Homosexuals and transvestites are also discussed, both in terms of the problems they present in regards to the legality or illegality of their behaviour and the problems such behaviour, particularly homosexuality, can cause, including muggings, blackmail, and prostitution involving young boys. Finally problems law enforcement officers have encountered during the investigation of sex crimes are highlighted--public pressure to eliminate prostitution and pornography, difficulties in identifying attackers and witnesses and obtaining other evidence, and the particularly sensitive problems concerning the rights of suspected sex offenders.

-Summary abstract

Sexual Exploitation of Children.-- Hearings before the Subcommittee on Crime, 95th Congress, 1st session, May 23, 25, June 10, and September 20, 1977.

The expert testimony and appended materials cover the need for laws to control child prostitution and the use of children in pornography. A few of the statements also consider incest and child molestation. The primary focus of the 4 days of testimony was the extent of child prostitution and pornography, the factors which draw children into these activities, and the need for health and welfare intervention on behalf of the children. Some of the speakers address the issues of first

amendment rights that have been raised concerning pornography. A number of representatives from state legislatures report on proposed state laws to prohibit child pornography. The bulk of this transcript consists of appended materials. These include a survey of current federal laws dealing with both child prostitution and pornography. A review of such legislation pending in each of the states, and a report from the national conference of state legislatures concerning the status of such laws in each state, other materials include reports prepared by groups interested in child welfare, the guidelines of the Maryland Board of Motion Picture Censors, and a report called 'the Rockford Papers.' A U.S. Department of Health, Education, and Welfare report titled 'Sexually Abused Children, Fact Not Fiction' examines incest, child molestation, and child prostitution from a health and welfare perspective. It contains an extensive bibliography plus appended medical examination forms. 'The Rockford Papers' concentrate on the philosophical problems underlying sexual exploitation of children. Newspaper and magazine articles and transcripts of television broadcasts are also appended.

-Summary abstract

Sexual Exploitation of Children: Report to the Illinois General Assembly.

Chicago, Illinois: Illinois Legislative Investigating Commission, 1980.

This report analyzes the nature and reported increase in child pornography and child prostitution and examines the child sex industry as a whole, with emphasis on the scope and nature of the problem in Illinois. The study was conducted over a 3-year period in response to a request from the Illinois House of Representatives. Data were collected via interviews with several States' law enforcement officials, known child molesters, child pornographers, prosecutors, community workers, and others. Data were also collected via reviews of mass media reports and establishment of several 'front' enterprises that might appeal to exploiters of children. The front enterprises that might appeal to exploiters include summer camp, a confidential film development service, and purchase and sale of photographs and films. Operation of these enterprises resulted in several arrests. Study results indicated that, except in rare instances, children are not being transported or used in any organized way for prostitution and that Chicago is not a transfer point for this activity. Parents rarely offer their own children to film producers. No firm figures are available on the number of sexually abused children. Organized crime is not involved in child prostitution, although it was involved in distribution of child pornography.

prior to passage of Federal legislation outlawing child pornography. Early sexual experience or sexual abuse is correlated with prostitution. Runaways, often from abusive homes, tend to become involved in child pornography and child prostitution. Child molesters usually come into contact with children through legitimate activities. Detection of sex crimes against children is difficult because of lack of police training and the hidden nature of the problem. More aggressive enforcement, better screening of potential youth group employees, more careful monitoring by parents, and treatment of victims are recommended. Photographs, letters from respondents to front enterprises' advertisements, lists of adult bookstores in Chicago, a glossary, and a list of approximately 70 readings are included. Appendixes present the text of child pornography statutes, reporting forms, and related materials.

-Summary abstract

Shearer, S. L., and Tucker, D. M. Differential cognitive contributions of the cerebral hemispheres in the modulation of emotional arousal. Cognitive Therapy and Research, 1981, 5, 85-93.

To examine the differential roles of the 2 cerebral hemispheres in emotional processes, 48 college students viewed sexual or aversive slides under instructions to either facilitate or inhibit their emotional responses. An auditory attentional bias measure suggested that reported aversive emotional arousal was associated with relatively greater activation of the right hemisphere. Analysis of the Ss' naturalistic cognitive strategies suggested that analytic and verbal ideation was most often used to inhibit arousal, while global and imaginal thinking was used to facilitate emotion. (29 ref)

-Journal abstract

Shaughnessy, E. J., and Trebbi, D. Standard for Miller: A Community Response to Pornography. Washington, D. C.: University of America Press, 1980.

In a 1977 survey, residents of the Clinton neighborhood in New York City indicated that sex-related activities of the adjacent Times Square area posed a threat to their community and that enforcement of nuisance abatement laws was needed. The report first reviews legal problems and court decisions regarding obscenity cases, with particular attention to first amendment rights and the use of nuisance laws by localities to regulate the adult entertainment industry. This study was prompted

by concern that the spread of Times Square pornography was contributing to the deterioration of Clinton which the city designated as a neighborhood preservation area in 1973. A preliminary survey of community leaders showed that they considered pornography a major problem, comparable to narcotics. The study then tried to determine if residents shared a view of message parlors, x-rated film houses, bookstores, live sex theaters, and peep shows as public nuisances which were offensive and injurious to daily neighborhood activities. Beginning in April 1977, a random sample of the Clinton population selected from the voter lists was asked by mail to participate in the survey. From this group, 155 persons were interviewed concerning attitudes toward the sex industry, first amendment protections for adult entertainments, and solutions to the problem. Respondents were generally white, middle-aged, long term residents of Clinton, and had varied occupations. Within the sample, 47.7 percent were male and 51 percent were female. Residents indicated that a demand for adult entertainment should be tolerated, but they felt it should not constitute a nuisance to the neighborhood. Prostitutes and massage parlors received the highest offensiveness ratings. Participants were almost evenly divided in their responses when asked if operators of adult businesses were entitled to protection by the first amendment, but all were conservative in their opinions regarding the content of adult films and agreed that sex business brought more traffic and venereal disease to the area. Responses to questions concerning remedial action indicated considerable faith in legislative and law enforcement remedies. Tables, photographs, and a bibliography of approximately 70 references are included. A postscript, maps, the survey questionnaire, and an index are appended.

-Summary abstract

Sheikh, A. A. Projective measurement of experimentally induced sexual motivation: Replication and extension. Psychological Studies, 1979, 24, 132-135.

A class of 10 undergraduates was randomly divided into 2 groups. Group 1 was shown a series of 3 neutral and 4 erotic pictures. Group 2 viewed 7 neutral pictures. Following this presentation, Ss were asked to write stories about 5 TAT cards. Results indicate that Group 1 made significantly fewer references to sex and used fewer words to describe the TAT cards. The findings are interpreted in terms of the arousal of guilt and anxiety concerning sex.

-Journal abstract

Sheleff, L. S. Victimology, Criminal Law and Conflict Resolution. South African Journal of Criminology and Criminal Law, 1977, 1, 31-50.

Victimology is asserted to be a challenge to criminal law on the substantive issue of the definition of crime, the procedural issue of hearing evidence and proving guilt, and the penological issue of disposing of the case. For example, recent research indicates that the legal criteria for justifying reactions to provocative behaviour are not related to the accumulated knowledge of physiological and psychological work. Disputing the theory of Edwin M. Schur that the state should not intervene in 'crimes without victims,' the essay assesses criminal law on such matters as pornography, drugs, and homosexuality, which are not relevant crimes in terms of criminal law.

-Summary abstract

Sherif, C. W. Comment on ethical issues in Malamuth, Helm and Feshbach's "Sexual responsiveness of college students to rape depictions: Inhibitory and disinhibitory effects." Journal of Personality and Social Psychology, 1980, 38, 409-412.

The concern of N. M. Malamuth et al (see PA, Vol 65:9143) about presenting 'totally false' rape depictions to students is reviewed in terms of (a) possible effects of exposure and debriefing, which were not evaluated; (b) responsibilities in interpretation when data differ from expectations and for males and females; and (c) communications to the public. Classroom testing on rape depictions is questioned. (7-ref)

-Journal abstract

Sizemore, L. F. Female orgasm and erotic fantasy. Dissertation Abstracts International, 1976, 36, 3627.

Further information unavailable at this time.

Skolnick, J. H., and Dombrink, J. Legalization of deviance. Criminology, 1978, 16, 193-208.

The implications of decriminalizing many forms of victimless crime are discussed,

and several models for decriminalization are considered. There is a trend in American public policy and law towards legalizing many victimless crimes such as marijuana use, certain sexual behaviour, gambling, and pornography. Decriminalization of this behaviour would necessitate its regulation, and the transformation of these illegal criminal activities to legal activities would result in a juxtaposition of interests on the part of many politicians or persons dealing in illicit goods and services. Six models for decriminalization are considered including complete nullification of a law or licensing of forms of behaviour. A commodity model would treat a substance, such as marijuana, like a plant and would require guarantees of quality and purity for its sale. A commercial service model might regulate decriminalized activities as other commercial businesses are regulated. Under a vice model, gambling or marijuana use could be legalized, but the sale and manufacture could carry heavy penalties, and a medical model would require a doctors' prescription for purchase of marijuana, cocaine, and heroin. Collateral problems of legalization that would arise from decriminalization of these victimless crimes are discussed. Bibliographic references are provided.

-Summary abstract

Smidt, C. E., Penning, J. M. Religious conservatism, political conservatism, and political and social tolerance in the U.S. Association for the Sociology of Religion (ASR), 1981, 0121.

Recent trends in United States society have sparked renewed scholarly interest in the nature of the relationship between religious and political conservatism. Focused upon are linkages between religious conservatism and political attitudes. Analyzed is whether 'evangelical' Christians (1) tend to identify themselves as ideological conservatives, (2) are more conservative than other citizens on social issues, (3) are less tolerant of opposing views, and (4) are less likely than other citizens to participate in politics. The data are drawn from the General Social Surveys conducted by the National Opinion Research Center (NORC) of the University of Chicago. These annual, national surveys contain a variety of questions pertaining to religious faith and practices, political ideology, political tolerance, and attitudes toward a variety of social and political issues, i.e., abortion, homosexuality, pornography, women's rights and social welfare versus defense spending. The large NORC data base and extended time period make it possible to avoid some of the specific problems which have plagued previous studies on the relationship

between religious and political conservatism. In addition, the annual nature of the NORC surveys permits a longitudinal analysis of responses to such questions in order to determine whether any new trends have emerged over the past decade.

-Summary abstract

Smith, C. E. Some problems encountered in dealing with the homosexual in the prison situation. In J. L. Hippchen (Ed.), Correctional Classification and Treatment: A Reader, 1975. Cincinnati, Ohio: Anderson Publishing Company, 1975.

Results from a study testing the validity of the criteria commonly used in the diagnosis and classification of homosexuality are reported, along with the attitudes of the imprisoned homosexual toward his condition. Effeminacy, as manifested by professed disinterest or antipathy toward pornography, is suggested as a possible new lead in establishing the diagnosis of homosexuality.

-Summary abstract

Smith, D. D. The Social Content of Pornography. Journal of Communication, 1976, 26, 16-24.

A total of 428 'adults only' fiction paperbacks were selected for content analysis. Publisher's lists could not be used, because of their inaccuracy and capriciousness. In each year from 1967 to 1974, excluding 1971, every fifth such paperback was taken off the shelf of one store in each of eight communities in five states. Books published in 1968 (number of cases = 40) were examined to develop analytical categories. The books were uniformly built around sex episodes linked by nonsexual material; the sex scenes contributed little to the story line. Particularly after 1969, the proportion of sexual activity portrayed has increased. The most common story line is 'restrained beauty' meets 'stud' who unlocks her sexual passion. Male chauvinism continues to resist contemporary cultural changes.

-Summary abstract

Smith, L. W. Daniel Defoe: Incipient pornographer. Literature and Psychology, 1972, 22, 165-178.

Discusses the development of pornographic literature in England and describes

pornographic elements in the works of Daniel Defoe. The inclusion of super-permissive parent figures, incestuous relationships, lower-class characters who are sexually uninhibited, passionate and responsive female characters, and the easy accomplishment of seduction are themes which appear in most of Defoe's novels. The relation of pornographic literature to the social behaviour of the 18th and 19th centuries are also discussed.

-Summary abstract

Smith, S. M. (Ed) Maltreatment of Children. Baltimore, Maryland: University Park Press, 1978.

A comprehensive review of and source of reference for treatment and management of the maltreated child are provided for medical and legal practitioners and related professionals. American, British, and Canadian experts from the fields of pediatrics, psychiatry, psychology, radiology, law, and social work have contributed to this volume, applying their practical and academic knowledge to the causes and treatment of maltreated children. Medical-legal and societal problems underlying child prostitution, child pornography, and drug-related abuse are highlighted, with detailed case histories and recommended legislation.

-Summary abstract

Smith, W. S. (Ed). Victimless Crime:- A Selected Bibliography. Washington, D. C.: National Institute of Law Enforcement, 1977.

The annotated bibliography is divided into sections that deal with specific victimless crimes: drug use, gambling, pornography and obscenity, prostitution, public drunkenness, and sexual morality offenses. A final section concerns decriminalization or legalization and includes items which deal with more than one of the crimes in the previous sections. The selected materials are considered relevant in the continuing controversy over 'victimless' crimes. A list of reference sources is appended.

-Summary abstract

The Spaniards and the Cinema. Los Espanoles y el cine. Revista Espanola de la Opinion Publica. 1976, 45, 231-265.

A report, edited by Elena Bardon Fernandez, of a survey conducted by the Institute of

public Opinion in Spain, containing a representative sample of 2,432 Spaniards older than 15, of both sexes. Personal interviews were held, using a formalized questionnaire. The Spanish cinema was perceived generally to be in a state of permanent crisis. Most of the evils perceived are attributed to censorship. In connection with that crisis, the following topics are examined: (1) state censorship, (2) the influence of the cinema on personal conduct, (3) pornography, (4) freedom of expression, (5) censorship in other European countries, and (6) other desirable forms of control. Of the respondents who were regular moviegoers, 87% felt that there should be no state censorship, ever. Opposition to censorship was 46% of those who never go to the movies. Of the illiterates, 32% were in favor of censorship, contrasted with 21% of those with higher education. There was a correlation between authoritarian beliefs and approval of censorship. On the influence of the movies, opinion was divided, 42% stating it did influence conduct, 45% disagreeing. Only 20% favored showing pornographic movies, 52% were opposed. About 50% of the respondents agreed that political, religious, and social issues should be freely discussed in the cinema; 59% felt that in other countries, censorship was less stringent than in Spain, and 78% favored some sort of control over what was shown, even if censorship were abolished.

-Summary abstract

Spanier, G. B. Formal and informal sex education as determinants of premarital sexual behaviour. Archives of Sexual Behaviour, 1976, 5, 39-67.

Investigation was made into how formal and informal sex education influences premarital sexual behaviour during college. 1,177 students drawn from a national probability sample were studied through interviews upon which indices were created to operationalize independent variables--sexual conservatism of family, exposure to eroticism, perceived sex knowledge, exposure to sex and/or assault during early years. Items reflecting childhood sex play, masturbation, religiosity, socioeconomic status, and sex information and education were also used. Premarital sociosexual involvement was the dependent variable under consideration. Guttman scaling criteria and an Automatic Interaction Detector (AID) analysis were used to interpret the data. Current influences and pressure exert more influence on premarital sexual behaviour than do reports of past informal sexualization. 'Mask' effects of variables across stages in the sexualization process and the possibility of identifying a developmental process without a longitudinal study are considered with regard to the success of AID use in the study. 7 Tables, 4 Figures.

Spanier, G. B. Perceived sex knowledge, exposure to eroticism, and premarital sexual behaviour: The Impact of dating. The Sociological Quarterly, 1976, 17, 247-261.

It is hypothesized that perceived sex knowledge, exposure to erotic material, and dating experience are significant factors leading to increased premarital sexual activity. Dating experience is hypothesized to be primary, providing a context in which the other causal factors can emerge. 1177 students at 16 American nonreligious colleges and universities with 1,000 or more undergraduates, chosen at random by odds weighted according to number of students, completed QUESTIONNAIRE's dealing with these subjects. Perceived sex knowledge correlates significantly (.001 level for males, .02 level for females) with premarital activities in college, and also (.001 for both sexes) in high school. Exposure to erotic materials is also significantly correlated with activity in both college and high school (.001 level for both, for both sexes). Finally, dating frequency in both high school and college (.001 level in all cases) is correlated with premarital activity in college. The causal link is not clearly understood as yet. 6 Tables.

-Summary abstract

St. George, A., and MacNamara, P. H. 'Filthy Pictures' or the case of the Fraudulent Social Scientist: Unmasking the Phony Expert. The American Sociologist, 1979, 14, 142-149.

Professions such as sociology need means of protecting themselves and the public from incompetent and dishonest practitioners. Colleague scrutiny, a major social control over such abuses, is not always present. Experience with courtroom testimony in an 'expert witness' situation in a pornography trial indicates that lack of publicity, sparse attendance at trials, and the viewpoint and procedures of the legal profession make possible totally fraudulent testimony. To remedy this problem legal training should include some exposure to social science methods and findings and their proper applications and sociologists should be certified.

-Summary abstract

Stanmeyer, W. A. Statement of William A. Stanmeyer on October 5, 1979, concerning the Bill to Recodify Federal Criminal Laws. Reform of the Federal Criminal Laws, Part 15: Hearings Before the U.S. on S. 1722 and S. 1723, September 11, 13, 18, 20, 25, and October 5, 1979, Washington, D. C.: United States Congress Senate Committee on the Judiciary, 1979.

Arguments in favor of Federal legal controls on pornography are given in testimony on a bill to recodify Federal criminal laws. Legislators do not understand the psychologically damaging content of today's pornography. Pornography explicitly portrays violence as a permissible and essential aspect of sexual pleasure. Bestiality, sex with children, rape, and homosexuality are vividly portrayed as aspects of sexual pleasure. Since the impact of role models, literature, and audiovisual experiences on human behaviour is generally acknowledged, there is no reason to believe that pornography would have less of an impact on behaviour, particularly since it involves a basic human drive. Numerous cases can be cited where absorption in pornography preceded criminal sexual behaviour. Even if it could not be established that pornography causes sex crime, the psychological harm it causes makes it a deadly threat to society's future, such that strong laws against it are justified. Just as laws are passed to protect the quality of the environment and secure citizens against unsafe products, so should laws be established to control influences that threaten psychological health and basic behavioural norms. Only the Federal Government can effectively dam the flood of pornography, since its production and distribution are supervised by a nationwide crime syndicate

-Summary abstract

Stauffer, J., and Frost, R. Explicit sex: Liberation or exploitation? Male and female interest in sexually-oriented magazines. Journal of Communication, 1976, 26, 25-30.

Examined the reactions of men and women to sexually oriented magazines to determine if males and females have similar interest in parallel features of the magazines. 50 male and 50 female 16-23 yr old college students used a thermometer-type interest scale to rate 11 parallel features of Playboy (males) and Playgirl (females) magazines; letters; film reviews, interviews, photoessays, cartoons, fictional articles, nonfictional articles, advertisements (sexually and nonsexually oriented) fashion, and centerfold. Eight parallel features of a nonsexually oriented magazine were judged for comparison purposes. Findings indicate that men and women did not

differ significantly in their interest in nonsexually oriented magazine features. However, ratings of the sexually oriented magazines differed significantly from each other. Men gave higher ratings than women to sexually oriented products, cartoons, photo essays, and centerfold. One explanation for this is that the magazine was a new experience for many of the women, while the entire male sample had read sexually oriented magazines before. It is suggested that female ambivalence toward male nudity may reflect a reaction to social meanings and traditional social pressures rather than to sexual content.

-Summary abstract

Steele, D. G. Female responsiveness to erotic films and its relation to attitudes, sexual knowledge and selected demographic variables. Dissertation Abstracts International, 1973, 34, 2319.

Further information unavailable at this time.

Steele, D. G., and Walker, C. E. Male and female differences in reaction to erotic stimuli as related to sexual adjustment. Archives of Sexual Behaviour, 1974, 3, 459-470.

100 male and 100 female undergraduates viewed erotic slides depicting a wide range of human sexual behaviours. Each S rated the stimuli on 3 criteria: sexual stimulation, liking for the slide, and extremeness of the behaviour portrayed. Ss also completed Thorn's Sex Inventory, which theoretically measures psychosexual adjustment. Males and females reported minimal sexual stimulation and minimal liking for the slides, but males reported greater sexual stimulation and liking than females. In terms of rated extremeness, males and females showed quite close agreement, differing significantly on only 1 slide. Males rated a greater number of the slides considered to be the more extreme as more sexually stimulating and more liked than did females. Both males and females, however, tended overall to rate the more extreme slides as less sexually stimulating and less liked; this relationship was stronger for females than for males. Scales on the Sex Inventory did not correlate positively with ratings of sexual stimulation and liking for the slides, and scales theoretically indicating sexual maladjustment failed to consistently correlate negatively with ratings of sexual stimulation and liking for the slides for males and females. (29 ref)

-Journal abstract

Stephan, G. E., and McMullin, D. R. Tolerance of sexual nonconformity: City size as a situational and early learning determinant. American Sociological Review, 1982, 47, 411-415.

An examination of the relationship between city size and tolerance of sexual nonconformity. National opinion survey data collected between 1972 and 1976, with a sample of about 4,000 adults, are used to compute intolerance ratios for 4 activities: homosexuality, extramarital sex, premarital sex, and pornography. Intolerance is shown to be strongly related to size of R's City of residence at the time of the survey. It is much more strongly related, however, to size of city lived in when respondent was age 16. 2 Tables

-Summary abstract

Stoller, R. F. Perversion: The Erotic Form of Hatred. New York, NY: Pantheon Books, 1975.

Presents a study of the psychological forces that contribute to sexual excitement in men and women, emphasizing how sexual aberrations can shed light on 'normal' sexual development. Data on sex differences in sexual deviance, childhood frustrations and traumas, and the relation of pornography to sexual deviance are presented.

-Summary abstract

Stoller, R. J. Centerfold: An essay on excitement. Archives of General Psychiatry, 1979, 36, 1019-1024.

A woman who poses for soft-core pornography reports that she has never felt she belonged to her body, that she is and wants only to be an erotic product manufactured by a team of specialists for the use of a viewing audience of males, and that she has no other material existence except in this form. She is then, a fetish. Her success illustrates the hypothesis that erotic daydreams in pornography represent fantasies or revenge in which the consumer imagines he is degrading/dehumanizing women. (4 ref)

-Summary abstract

Storms, M. D. Theories of sexual orientation. Journal of Personality and Social Psychology, 1980, 38, 783-792.

It has been proposed that the content of an individual's erotic fantasies and the erotic stimuli that are sexually arousing to an individual (i.e., an individual's erotic orientation) is the core psychological dimension underlying sexual orientation. Although considerable research has been conducted on the basic processes by which individuals acquire erotic stimuli, It has not been integrated into a theory of erotic orientation development. Previous research is reviewed in this article, and a theoretical model is offered. It is proposed that erotic orientation emerges from an interaction between sex drive development and social development during early adolescence. Hypotheses are presented concerning the effects of variations in the timing of sex drive development and in patterns of social bonding on sexual orientation, and data relevant to those hypotheses are examined. Finally, the proposed theory is compared to extant theories of the causes of homosexuality. (76 ref)

-Journal abstract

Strom, F. A. Zoning Control of Sex Business: The Zoning Approach to Controlling Adult Entertainment. New York: Clark Boardman Company, Ltd., 1977.

Zoning as a means of curbing and controlling the proliferation of sexually oriented businesses is examined and compared to more traditional control methods. The discussion opens with a review of social, political, and legal factors affecting the control of pornography and commercial sex establishments. The legal and practical drawbacks of traditional approaches to control are pointed out, with reference to the extensive and largely ineffective reliance upon criminal prosecution. Detailed analyses of U.S. Supreme Court decisions in *Young V. American Mini Theaters, Inc.*, and related cases are presented, with a view toward identifying grounds on which adult use zoning ordinances may be constitutionally challenged. The matter of statutory and common law nuisance--a form of land use control closely related to the subject of zoning--is considered as it applies to adult commercial enterprises. The report is directed to nonlawyers as well as lawyers and is intended to convey information of use to both proponents and opponents of adult use zoning legislation. The elements of a valid adult use zoning plan are enumerated, and potential political obstacles to implementing such a plan are noted. Examples of adult use legislation from 10 communities are appended.

-Summary abstract

Susini, J. Crime trends and crime prevention strategies in Western Europe.
International Review of Criminal Policy, 1980, 35, 67-70.

Along with the efforts to control increase in the traditional forms of crime, research on the even more dangerous international business crime in Western Europe is needed. Present day criminality in Western Europe can be broken down into two main classes. First, the increasingly technical, clever, subtle and modern forms, which are organized and perhaps foreshadow large scale 'European' criminality (e.g., white collar crime, politically motivated crime). The second significant crime form is traditional crime usually caused by poverty. The increase of the latter is associated with cultural and social disorganization and with anomy, expecially among migrants. Recent criminal policy tends to increase penalties for such crimes as kidnapping, highjacking, drug offenses, and on the other hand, decriminalize such offenses, and on the other hand, decriminalize such offenses as vagrancy, adultery, pornography. However, more attention should be given to transfrontier, transnational and international forms of criminality. The United Nations should stimulate research on these crimes and ways to fight them, since traditional approaches are not sufficient.

-Summary abstract

Suzuki, Y. Some Thoughts on Decriminalization and Depenalization. Rockville, Maryland: National Criminal Justice Reference System Microfiche Programme, 1977.

The status of decriminalization and depenalization in the criminal justice system of Japan is discussed, and underlying practical and moral issues are considered. In Japan, legislative proposals for decriminalization concern primarily the so-called morals offenses or victimless crimes, such as drug abuse, abortion, gambling, dissemination of pornography, and prostitution. However, opinions favoring decriminalization of such offenses are unlikely to command sufficient support for legislation in the near future. Existing enforcement policies with regard to morals offenses appear to be in harmony with public sentiment.

-Summary abstract

Sweeney, B. J. The use of social science research in supreme court opinions related to obscenity. Dissertation Abstracts International, 1981, 41, 4877.

Further information unavailable at this time.

Swinen, E. Sexuality and Imprisonment: Forced celibacy in Prison. Tijdschrift voor Sociale Wetenschappen, 1983, 28, 36-57.

Psychological and social problems caused prisoners by the deprivation of sexual relations are examined. Prisoners are found to react to this deprivation by: drug abuse; obsession with pornographic materials; masturbation (a 1976 survey of 137 Dutch male prisoners found that 78% masturbated regularly); homosexuality, which--because of the syndrome of oversolicitation--constitutes a real scourge in the prisons of most countries. All these factors make readjustment to normal life after release more difficult, which is an undesirable social consequence of imprisonment. Possible solutions discussed include conjugal visits, mixed-sex prisons, and granting leave to prisoners; conjugal visits are considered the most satisfactory solution, and it is suggested they be permitted as frequently as daily.

-Summary abstract

Tanner, L. M. Funeral practices in the United States of America: A comparative analysis. Southwestern Sociological Association (SWSA), 1980, 1456.

Death has become an undesirable subject of conversation. This is illustrated with such euphemisms as 'passed on' or expired.' Even though the subject of death is becoming a type of pornography, interest in the area remains high. This is indicated by the enrollment in college courses whose subject matter concerns death and by the proliferation of articles in the popular press. Comparisons are presented of the cost of death in the United States with costs in other countries. The role of the funeral director in modern American society is discussed in detail. The question of whether funeral directors consider themselves professionals serving people in times of grief is addressed. An attempt is made to reveal whether or not the general public shares the views held by funeral directors.

-Summary abstract

Ten, C. L. Blasphemy and Obscenity. British Journal of Law and Society, 1978, 5, 89-96.

The recent prosecution in England of Gay News and its editor for blasphemous libel raises the question of justification of laws against blasphemy and obscenity. If blasphemous and obscene remarks are regarded as expressions of opinion, they would have to come under the protection normally accorded freedom of speech. There is no case for prohibiting them which would not also justify the suppression of many other opinions, eg, political views which are offensive to the majority or even to a substantial minority. It has been argued, however, that blasphemous and obscene publications may be censored not because they are offensive, but because they fail to have any redeeming social value. This argument fails because it misunderstands the basis of religious toleration-that not only religious practices which are socially useful should be tolerated. Finally, a case is argued for the regulation of offensive activities that become social nuisances.

-Summary abstract

Teske, R. H. C. Jr., Williams, F. P. III, and Dull, T. R. Texas Crime Poll: Spring, 1980 Survey. Huntsville, Texas: Sam Houston State University Survey Research Program Criminal Justice Centre, 1980.

Fifth in a series of regularly scheduled crime poll surveys, this 1980 study examined

the attitudes and opinions of a sample of Texas residents regarding issues related to criminal justice in Texas, included: public perception of pornography and obscenity. Survey instruments were mailed to a scientifically selected random probability sample of 2,000 Texas residents, and 1,341 usable replies were returned. Of the usable returns, 82.6 percent of the respondents were white and 52.2 percent were male. While only 29 percent said that soft core pornography should be against the law in Texas, 89 percent stated that movies or magazines that display nudity of children under 17 should be against the law in Texas.

-Summary abstract

Texas - House Select Committee on Child Pornography: It's Related Causes and Control.
Interim Report, 66th Legislative session. Austin, Texas: Texas Legislature
House of Representatives, 1978.

This interim legislative report on child pornography in Texas discusses social research on child sexual abuse and pornography and legal recommendations to eliminate child sexual abuse. Although studies indicate about 100,000 cases of sexual abuse reported each year nationally, 50-80 percent are never reported. Boys as well as girls are victimized, and contrary to popular belief, most child sexual abusers (70 to 80 percent) are not strangers but family members or friends. Studies indicate that the typical abuser is a middle-aged male, unaggressive and dependent who often abuses alcohol. Advice is given to physicians on detecting and handling such abuse, as they are often the first to encounter it. Abusive families are often emotionally and financially unstable, leading to neglect or poor child supervision. Also such families are often on public welfare. Families in which incest occurs are generally intact, with rigid fathers, weak mothers, and few outside contacts. Long-term effects of sexual abuse on children are serious in proportion to its duration, character, and closeness of the relationship between the offender and the victim. Recommendations include statutes sensitive to abused children's needs. Child pornography (CP) distributed in Texas and elsewhere often features children forced into sexual acts, often homosexual. Although CP is no longer available over the counter in Texas, mail-order CP is voluminous. Most CP is produced in foreign countries, and 80 percent is distributed by organized crime. Although Texas law prohibits all sexual acts with children, penalties are often too light, and many such crimes are never reported. Children's trauma is serious in 93 percent of all reported sexual abuse cases. Other topics include child prostitution, death from sexual abuse, federal and state prosecution of CP, and the effects of the criminal

justice system of CP. Legal recommendations, tabular data and lists of witnesses testfying before the committee hearings are provided, as well as a list of child care institutions.

-Summary abstract

Texas Organized Crime Prevention Council: Annual Report, 1977. Rockville, Maryland: National Criminal Justice Reference Service Microfiche Program, 1977.

The extent of organized crime in Texas during 1977 is analyzed, including pornography.

-Summary abstract

Thompson, J. J., and Dixon, P. W. A power function between ratings of pornographic stimuli and psychophysical responses in young normal adult women. Perceptual and Motor Skills, 1974, 38, 1236-1238.

Presented 13 pornographic pictures to 10 18-34 yr old women with normal MMPI profiles. A galvanic skin response instrument was used to record psychophysical responses to the stimulus pictures, and stimuli were rank-ordered by Ss according to how Ss reacted to them. Algebraic averages were computed and plotted on log-log paper, and power function was obtained between galvanic skin responses and rank order of these stimuli.

-Summary abstract

Tocaven, R. Youth, Violence and Social Alienation. Criminologia, 1978, 1, 3-22.

Sociopathic and deviant behaviour among today's young people in a worldwide phenomenon of unprecedented proportions, the causes of which cannot be found in the traditional generation gap and youthful high spirits. Love has been replaced by unrestrained eroticism, catered to in all forms by the mass media and the advertising industry. Young men regard women as sex objects to be used, often abused. The fault lies with society itself, which has lost its traditional values, and with the older generation, which no longer offers models of exemplary behaviour for the younger generation to imitate.

-Summary abstract

Trigg, B., and Reinhart, G. Pornography and religiosity: Establishing the standards of a southern community. Mid-South Sociological Association (MiSSA), 1979,

Emerging out of the controversy which surrounds a definition of pornography is the consistent finding that pornography is in the eye of the beholder. The focus here is twofold; to develop a methodology to establish community standards and to investigate the variables affecting these standards. A large number of suspected pornographic pictures were obtained from over-the-counter magazines. Each picture was in colour and approximately 8 times 10 inches in size. All pictures were of one white woman without sexual or suggestive devices. A Thurstone method established a scale of 11 pictures which, subjected to a Guttman analysis, had a coefficient of reproducibility of .94. A convenience sample (with distribution resembling that of the population) was administered a questionnaire including demographic data, a religiosity scale, and the pornography scale. To establish a score on the pornography scale respondents were to answer 'yes' or 'no' to the question. 'Is this picture pornographic?' The success of the scale leads to the conclusion that it is possible to methodologically establish community-wide standards of pornography. Most substantive findings reflected the Presidential Commission Report of 1970. High socioeconomic status male subjects with low religiosity, low church attendance, and previous exposure to pornography have more liberal judgments. Contrary to Commission findings, older subjects were more liberal. Finally, no significant differences were found between blacks and whites.

-Summary abstract

Umbrett, M. S. Crime and Punishment in Denmark. Michigan City, Indiana: Prisoner and Community Together, Inc, 1980.

Denmark, internationally acclaimed for its progressive penal system and exemplary prison conditions, is compared with the United States on the basis of crime rates, penal reform, capital punishment, and sentencing. Despite its heavy use of community alternatives to prison, open prisons permitting uncontrolled conjugal visiting and inmate furloughs and more, stingy use of incarceration, and decriminalization of pornography. Crime is not rampant in Denmark. Data reveal that, while Denmark has a comparable amount of crime when compared with the U.S., only a very small portion of this crime is violent.

-Summary abstract

Van den Haag, E. Pornography and censorship. Policy Review, 1980, 13, 73-81.

Although people may feel uneasy about pornography, they also feel uneasy about legal restrictions on pornography. Such restrictions are permitted by the Constitution, but the problems remain of defining 'pornography' and of determining whether restrictions are justifiable. The present legal definitions, though not explicit enough, are intelligible. The function of pornography is to create impersonal lust separate from the personality in general, expressed by treating other human beings as a means to one's own satisfaction. Suppression of pornography is thus justifiable as a means of enhancing social solidarity.

-Summary abstract

Veitch, R., and Griffit, W. The perception of erotic arousal in men and women by same- and opposite-sex peers. Sex Roles, 1980, 6, 723-733.

Unmarried introductory psychology students (number of cases = 16 males, 16 females) were asked to evaluate 19 sexually explicit passages--first to indicate the degree to which each was sexually arousing to themselves, and then to judge if each passage was pornographic according to a given dictionary definition. Subjects then rated how they felt after reading each passage (sexually aroused, disgusted, entertained, anxious, bored, angry, afraid, curious, nauseated, depressed, and excited) and how they thought both a member of the same sex, and of the opposite sex, would respond. Results indicated that males and females are similar in their degree of sexual responsiveness to erotic stimuli; however, males tend to estimate the response of others (both males and females) on the basis on their own response, but females generally assume that the responses of others (expecially males) are more intense than their own.

-Summary abstract

Vines, N. R. Responses to sexual problems in medical counseling as a function of counselor exposure to sex education procedures incorporating erotic film. Dissertation Abstracts International, 1975, 36, 138-139.

Exposure to sex education procedures incorporating erotic films, comfort with sexual presenting problems and sexual knowledge and attitudes, 3rd-yr male medical students, is discussed.

-Summary abstract

Vivar, N. A. The new anti-female violent pornography: Is moral condemnation the only justifiable response? Law and Psychology Review, 1982, 7, 53-70.

Examines the theoretical issues underlying the pornography debate and discusses the effect of pornography on violent behaviour and its effect on male and female attitudes. Topics discussed are scientific experiments on the effects of pornography, the mass media effects of pornography, what pornography tells people about themselves, the need for community in fighting pornography, national legislation and nuisance statutes regarding pornography, and the use of civil adjudication prior to or apart from criminal prosecution to curb pornography. It is concluded that violent pornography is morally repugnant and has so little social value that society has the right to reject it.

-Summary abstract

Vloebergh, A. Does pornography incite violence? La Recherche, 1979, 10, 682-684.

A discussion of the relationship between pornography and violence, particularly toward women, with emphasis on a recent study by Donnerstein and Hallam (Journal of Personality and Social Psychology, 1978, 36, 1270) that examined, through a series of complex manipulations, the relationship between viewing a pornographic film and later administering electric shocks to another subject (who was actually an experimenter). While findings seem to indicate some relationship between the two, it would be premature to conclude that pornography is responsible for aggression against women. Further, the methods used in the experiment are called into question.

-Summary abstract

Waites, E. A. Female masochism and the enforced restriction of choice. Victimology, 1977, 2, 535-544.

The development of the theories of female masochism is outlined, demonstrating how inadequate they are as an explanation of actual behaviour of abused women. The author claims that women are subjugated because of the biblical references to the fall of men. Up until modern times, women were considered to be inherently bad, but it is now postulated that women are masochistic. The masochism hypothesis, according to which suffering, for women, is inherently bound up with erotic pleasure and is desired for that reason, is a psychoanalytic theory which developed out of romanticism.

-Summary abstract

Wallis, R. On misunderstanding 'status': A reply to Zurcher and Kirkpatrick. The Scottish Journal of Sociology, 1978, 2, 247-251.

L. A. Zurcher and R. G. Kirkpatrick ("Status Discontent and Anti-Pornography Crusades: A Reply to Roy Wallis's Critique," an abstract of which appears elsewhere in this issue) have conflated two senses of 'status': that in which it means a collection of rights and duties, and that in which it means a rank in a social hierarchy. While it is true that support for and opposition to antipornography campaigns are associated with lifestyle differences, such concepts as 'status discontent' add nothing to this recognition. There is a difference between prompting the status of values and norms, and promoting the status of one's own group as possessing those values and norms, which Zurcher and Kirkpatrick fail to recognize. The term 'status discontent' conveys a sense of struggle for hierarchical position, which the data do not bear out; it should have been avoided.

-Summary abstract

Warshay, D. W., and Warshay, L. H. The use of obscenity in the subordination of Women. Midwest Sociological Society (MSS), 1978, 0995.

Explored is the role of one class of linguistic forms--obscenity--in reinforcing the subordination of women. When recent empirical research and earlier anecdotal evidence are reviewed, obscenity is found to be used by all male populations engaged in male activities, dressed casually, tending to be of Ls, politically radical, and/or

nonreligious, and who are under stress. The severe insult, signifying the devalued or Ls, is used by men to control women, thereby giving more resources for both controlling and excluding women. Also, the meaning of the obscene terms implies male activity and mastery and dichotomizes women into either 'nice' or 'sexually promiscuous.' While obscenity as a form of social control over women should decrease as women's power and status increase, there are some steps that women can take now, collectively and individually, to change their immediate situations.

-Summary abstract

Warshay, D. W. and Warshay L. H. Obscenity and Male Hegemony. International Sociological Association (ISA), 1978. 3029.

Obscenity is used in the subordination of women. A variety of available evidence-- anecdotal, case study, and the more standard research--is examined. The studies largely deal with types and amount of obscene vocabularies and with characteristics of actors, of interactions, and of situational settings. Obscenity is used to control women in two ways: (1) by demarcating male territory, and (2) by labeling women. This is placed within a power and status framework. Some suggestions are offered through which women might change this situation.

-Summary abstract

Warshay, W. W., and Warshay, L. H. Covert violence against women. North Central Sociological Association (NCSA), 1978, 0468.

Examined are some of the subtle, often unlabeled means, methods, techniques, or devices through which men control women. These means, linguistic and nonverbal, intimidate and subjugate women, reinforcing the superiority of men. The various means used are considered to be forms of covert violence in that they cause injury (in the broadest sense) and carry the potential of physical force. Among linguistic and paralinguistic methods on the institutional level that do violence to women are: the use of 'man' to stand for all people, the quantity and variety of obscene terms in the language that derogate women, the content of pornography, and the many decisions about women's bodies and lives made by male legislators, administrators, and physicians. On the interpersonal level, there is a tendency for men to ignore women in conversation and to interrupt women when they do speak. Among nonverbal methods that control women on the institutional level are the use of chaperones, harems, and the isolation of women during menstruation. In Orthodox

Judaism, women are segregated to the rear of the synagogue and excluded from ritual. In Christianity, the woman's body is viewed as evil, as the seat of the devil. On an interpersonal level, signs of women's inferior and controlled status include the M's invasion of personal female space, the M's greater use of touch, and the F's tendency toward deference to the M. Covert violence against women reflects and defines their inferior status in society. This status is continually reinforced by a variety of subtle means ultimately backed by covert sanctions of economic and political power and physical force.

-Summary abstract

Weigand, T. Development and trends of criminal politics in U.S.A. Zeitschrift Fuer die Gesamte Strafrechtswissenschaft, 1978, 90, 1083-1127.

Recent developments and trends in various fields of American criminal law are explained and briefly evaluated. Current criminal policy in the United States manifests a complex and contradictory combination of liberal impulses and resorts to law-and-order, of experimental programs and consequent returns to the 'old and proven' correctional measures. In recent years, the constitutional rights and the amendments to the constitution have been the basis for spectacular changes in such areas as abortion, pornography, and homosexuality, and resistance to decriminalize particular offenses.

-Summary abstract

Wertheimer, A. Victimless Crimes. Ethics, 1977, 87, 302-318.

The arguments for decriminalization of victimless crimes are evaluated, exposing their deficiencies and recommending alternatives. Those who advocate the decriminalization of victimless crimes usually have a specific set of crimes in mind (gambling, prostitution, narcotics use, pornography, etc.) and general characteristics of the behaviour are cited as making it inappropriate for criminalization. Those who argue for decriminalization of specific activities using certain criteria must also consistently apply these same criteria to prevent the future criminalization of any behaviour that fits the criteria. This calls for the development of reasoned criteria for the noncriminalization of victimless activities (NVA). Each criterion usually employed for the decriminalization of victimless crimes, if applied to all conceivable circumstances would greatly limit the application of the law in preventing

crime and constructing a positive social environment. The most basic difficulty with NVA is that crimes are problems only of interpersonal harm, without considering their effects on society. Advocates of NVA are wrong to assume that the proper use of the criminal law requires that there be a victim. For instance, driving while intoxicated is a victimless activity which is justifiably prohibited because it increases the probability of victimization. The issue then becomes one of determining what is high risk victimless behaviour and to what extent will the activity known to be related to seriously harmful incidents, realizing that such efforts tend to limit citizens' freedom. Also, when people consent to involvement in acts without realizing the potential harm, Paternalistic laws may prove desirable. Thus, decriminalization of victimless crimes must be accompanied by complex debates about criteria for NVA. The prospect for consensus on a uniform set of criteria is highly unlikely. Footnotes are included.

-Summary abstract

West, D. J. Treatment in Theory and Practice From: Sex Offenders in the Criminal Justice System, 1980, 141-149.

Characteristics of the many types of sex offenders are described and behaviour modification, erotic reorientation and other therapy are discussed in this British article. Others are erotically attached to violence, resort to sex deviance in times of stress, or have other psychiatric illnesses.

-Summary abstract

White, L. A. Erotica and aggression: The influence of sexual arousal, positive affect, and negative affect on aggressive behaviour. Journal of Personality and Social Psychology, 1979, 37, 591-601.

95 male college students who had never taken a psychology course were first either angered or not angered by a confederate of the experimenter and were then ostensibly given an opportunity to aggress against the confederate by means of electric shock. Prior to aggressing, Ss were shown 1 of 4 sets of stimuli chosen to effect a factorial variation in the intensity of positive sexual arousal (high, low) and negative affect (high, low) elicited by exposure to such material. In addition, 1 group of angered Ss (no-exposure control) was included who did not view any of the 4 sets of stimuli prior to being given an opportunity to aggress. Results indicate that exposure to affectively positive erotic stimuli significantly

reduced retaliatory behaviour by angered males to a level below that exhibited by Ss exposed to neutral stimuli and by those in the no-exposure control group. In contrast, relative to baseline controls, Ss' exposure to erotic stimuli that were reported to be disgusting and unpleasant slightly enhanced subsequent aggressive behaviour. Several possible mechanisms (e.g., attentional shifts, incompatible responses, cognitive labeling) are discussed in relation to the results. (24 ref)
-Journal abstract

Wilson, B. L. J., and Bajon, B. Styles of loving: Marital and non-marital.
North Central Sociological Association (NCSA), 1981, 0812.

Although there are many styles of loving (SofL), only six of them are discussed; friendship, practical, giving, game-playing, possessive, and erotic. To find the characteristics of these SofL, 343 questionnaires were distributed to married and nonmarried individuals. The findings show vast varieties of SofL and differences related to marital status, age, education, etc. It was also found that the above SofL are interwoven with each other, where one of them becomes dominant. An attempt is made to offer theoretical predictions of which of these SofL are the most suitable to marital and nonmarital satisfaction.
-Summary abstract

Wilson, G. T., and Lawson, D. M. Effects of alcohol on sexual arousal in women.
Journal of Abnormal Psychology, 1976, 85, 489-497.

During weekly experimental sessions each of 16 university females received in counterbalanced order 4 doses of beverage alcohol prior to viewing a control film and an erotic film. Half of the Ss were instructed beforehand that alcohol would increase their degree of sexual arousal in response to the erotic film; the other half were told that alcohol would decrease their sexual arousal. Measures of vaginal pressure pulse obtained by means of a vaginal photoplethysmograph showed a significant negative linear relation with alcohol doses. A significant Sessions x Instructional Set interaction indicated that Ss in the increase-set condition experienced less sexual arousal. This result is attributed to performance pressure induced by the demand characteristics of the instructional set. Additional measures of sexual arousal, including TAT responses and self-report, showed no differences. With increasing levels of intoxication, however, a greater proportion of Ss reported enhanced sexual arousal. (22 ref)

-Journal Abstract

Wilson, G. T. Alcohol and human sexual behaviour. Behaviour Research and Therapy, 1977, 15, 239-252.

Despite the potential clinical significance of the relationship between alcohol consumption and human sexual responsiveness, this subject has received little systematic research attention. Clinical observations have suggested that alcohol abuse can lead to impotency disorders in males and sexual dysfunction in women. Alcohol has been associated with sex offenses such as rape and pedophilia, increased sexual activity, and extramarital affairs. However, correlation has been confused with cause, and unequivocal evidence of alcohol as the causal agent is lacking. Recent research using penile tumescence and vaginal pressure pulse as measures of sexual arousal has shown a significant negative linear relation between alcohol and sexual responsiveness in both male and female social drinkers. Findings that cognitive rather than pharmacological factors decisively influence alcohol's effects on sexual arousal, together with other psychosocial analyses, dispute the disinhibition hypothesis of alcohol's effects.

-Summary abstract

Wilson, G. T., and Lawson, D. M. Expectancies, alcohol and sexual arousal in women. Journal of Abnormal Psychology, 1978, 87, 358-367.

A total of 40 university female volunteers, all social drinkers aged 18-35 yrs, were randomly assigned to 1 of 2 expectancy conditions in which they were led to believe that the beverage they were administered contained either vodka and tonic or tonic only. For half the Ss in each expectancy condition, the beverage actually contained vodka; for the other half, tonic only. After their drinks, measures of vaginal pressure pulse obtained with a vaginal photoplethysmograph were recorded during a nonerotic control film and 2 erotic films depicting a heterosexual or a homosexual interaction. The 2 groups that received alcohol, regardless of whether they believed that their drinks contained alcohol, showed significantly reduced sexual arousal during both erotic films. No effects of expectancy or an interaction between alcohol and expectancy were obtained. Ss' subjective estimates of intoxication were significantly correlated with their self-report of sexual arousal during both erotic films. The differences between these results and previous findings using similar procedures with male social drinkers are discussed. (31 ref)

-Journal abstract

Wilson, G. T., Lawson, D. M., and Abrams, D. B. Effects of alcohol on sexual arousal in male alcoholics. Journal of Abnormal Psychology, 1978, 87, 609-616.

During successive daily sessions, each of 8 29-44 yr old chronic male alcoholics received, in counterbalanced order, doses of beverage alcohol (.08, .4, .8 and 1.2 g/kg) prior to viewing nonerotic and erotic films. Measures of penile tumescence obtained by means of a penile plethysmograph showed a significant negative linear effect of increasing alcohol doses during the heterosexual and homosexual films. Ss' expectations about the effect of alcohol on sexual arousal and behaviour were discrepant with these physiological findings. Consistently, Ss reported that alcohol would have no effect on their sexual arousal or would increase it. Results are discussed with reference to other studies, and it is concluded that penile tumescence is a convenient, reliable, and discriminating measure of male sexual arousal. (27 ref)

-Journal abstract

Wilson, W. Sex differences in response to obscenities and bawdy humor. Psychological Reports, 1975, 37, 1074.

Using a questionnaire and a scale of 'increasing anger' to test for usage of obscenities, 41 male and 75 female undergraduates indicated greater anger in hearing obscenities during opposite-sex conversations than in same-sex ones. When obscenities were viewed as part of black ghetto humor in a 2nd study with 57 white Ss, humor judgments were significantly higher for males than for females.

-Not clear how relevant at this time.

-Summary abstract.

Winczè, J. P., Hoon, E. F., and Hoon P. W. Physiological responsivity of normal and sexually dysfunctional women during erotic stimulus exposure. Journal of Psychosomatic Research, 1976, 20, 445-451.

Sought to determine how 6 sexually dysfunctional females (mean age 22.3 yrs) and 6 normal females (mean age 25.5 yrs), with previous participation in a study examining the effects of different stimulus presentations on physiological measures, differed in their physiological responsivity during, and subjective reponsivity shortly after, exposure to an erotic stimulus. Utilizing analysis of covariance, Ss were equated on physiological basal measures as well as other relevant demographic

and sexual activity measures. Normals showed increases in diastolic blood pressure (BP) and vaginal capillary engorgement (as determined by the vaginal photoplethysmographic measure), but the groups did not differ on electrodermal activity, systolic BP, heart rate, and subjective ratings of sexual or anxiety arousal. There were significant positive correlations for the combined groups between vaginal capillary engorgement and sexual arousability inventory scores, awareness of physiological changes during sexual activity, day in menstrual cycle, and frequency of intercourse. It is suggested that the vaginal plethysmograph measure may serve to identify female sexual dysfunction and to assess treatment efficacy.

-Summary abstract

Wincze, J. P., Hoon, P., and Hoon, E. F. Sexual arousal in women: A comparison of cognitive and physiological responses by continuous measurement. Archives of Sexual Behaviour, 1977, 6, 121-133.

Six sexually normal 20-29 yr old women were exposed to a wide variety of erotic videotapes while vaginal, groin, and breast vasocongestion measures were taken. Ss indicated their subjective level of sexual arousal while viewing the tapes by positioning a lever device along a calibrated scale. Results indicate highly significant positive correlations among the cognitive and physiological measures for 5 individual Ss, although the pooled group data failed to show significance. The methodology described in this research shows promise as a diagnostic and research tool. (22 ref)

-Journal abstract

Wishnoff; R. Modeling effects of explicit and nonexplicit sexual stimuli on the sexual anxiety and behaviour of women. Archives of Sexual Behaviour, 1978, 7, 455-461.

Studied the effects of explicit and nonexplicit sexual stimuli on 45 anxious (Bendig's Short Manifest Anxiety Scale) coitally inexperienced female undergraduates. Using A. Bandura's (1969) social learning theory as the theoretical framework, the consequences of modeling behaviour on an individual's response patterns were examined. Responses indicating sexual anxiety level (Sexual Anxiety Scale), preferred sexual behaviour (Scale of Sexual Experience), and manifest anxiety level were recorded. Ss were randomly placed into 3 treatment groups, explicit, nonexplicit and control.

Significant differences were found in each of the 3 groups regarding sexual behaviour. Sexual anxiety levels also differed between Ss in the explicit and control groups. Pre- and posttest manifest anxiety scores also showed a significant difference in the explicit group. Results of this study may aid those in the helping professions to gain a better understanding of the effects sexual stimuli have on certain individuals. (18 ref)

-Journal abstract

Wolchik, S. A. et al. The effect of emotional arousal on subsequent sexual arousal in men. Journal of Abnormal Psychology, 1980, 89, 595-598.

The effect of emotional arousal on subsequent sexual arousal was assessed in 14 18-34 yr old men. Ss initially viewed either 1 of 2 emotionally arousing videotapes (depression-and-anger or anxiety-and-anger producing) or a neutral erotic videotape. Sexual arousal was measured physiologically with a penile strain gauge. Although there were no differences in the level of sexual arousal during the antecedent emotionally arousing or neutral videotapes, sexual arousal during the subsequent erotic videotapes was differentially affected by them. Sexual arousal following the anxiety-and-anger videotape was greater than that following either the depression-and-anger videotape or the travelogue. Prior exposure to the travelogue resulted in greater sexual arousal than did the videotape producing depression and anger. (10 ref)

-Journal abstract

Young, M. Sexual attitudes and behaviour of female readers and non-readers of erotic literature. Psychological Reports, 1979, 45, 932-934.

Surveyed 50 female students in a church-related college to determine the association of selected sexual attitudes and behaviours and reading habits related to erotic literature. Reading habits did not appear to influence sexual behaviour or attitudes toward oral-genital sex. (4 ref)

-Journal abstract

Young, M. Attitudes and behaviour of college students relative to oral-genital sexuality. Archives of Sexual Behaviour, 1980, 9, 61-67.

An equal-interval attitude scale and a behaviour inventory were administered to 41 men and 51 women students at a private church-related college. More favorable attitudes toward oral-genital sex (OGS) were expressed by Ss who had participated in OGS and by Ss who had experienced sexual intercourse. Attitude toward receiving (vs administering OGS) was dependent on church attendance. Men were more likely than women to have received OGS, and Ss who had participated in sexual intercourse were more likely to have both administered and received OGS. Receiving OGS was dependent on church attendance. Women were more likely than men to require love as a prerequisite for their participation in OGS. (12 ref)

-Journal abstract

Zellinger, D. A., Fromkin, H. L., Speller, D. E. and Kohn, D. A. A commodity theory analysis of the effects of age restrictions upon pornographic materials. Journal of Applied Psychology, 1975, 60, 94-99.

Examined the evaluation of pornographic material as a function of age restrictions and perceived degree of pornographic content. 64 male undergraduates received an experimental booklet containing statements allegedly taken from a book cover. Half of the Ss received an age restriction statement, while the other half did not, and half received a statement saying the book was definitely pornographic, while the other half did not. Results confirm the commodity theory prediction that the imposition of age restrictions upon pornographic materials increases their desirability. Data indicate that the restricted materials were not more valued because of the implication that they were more pornographic than nonrestricted materials.

-Journal abstract

Zillmann, D., and Spolsky, B. S. What mediates the effects of mild erotica on annoyance and hostile behaviour in males? Journal of Personality and Social Psychology, 1977, 35, 587-596.

Studied 66 male college students who were provoked or not provoked, exposed to photographs of (a) nonerotica, (b) nude females, or (c) couples engaged in sexual activities, and provided with an opportunity to express annoyance and to retaliate against their annoyer. Both annoyance and retaliatory behaviour were measured. The excitatory potential, the involvement potential, and the hedonic valence of the nonerotic and erotic stimuli were also assessed. Provocation produced strong effects on all measures of annoyance and retaliatory behaviour. In unprovoked Ss, erotica had no effect whatsoever on such behaviour. Under conditions of provocation, reported annoyance in both erotica conditions was significantly less than in the nonerotica condition. There was no corresponding differentiation in retaliatory behaviour, however. The excitatory potential of the erotica employed, as measured in heart-rate and blood-pressure changes, was minimal. No stimulus differences in involvement potential were found. The erotica were considered pleasing, and the nonerotica were considered boring. The findings are discussed in terms of various theoretical proposals concerning the relationship between erotica and aggression. (20 ref)

-Journal abstract

Zillmann, D., Bryant, J. and Carveth, R. A. The effect of erotica featuring sadomasochism and bestiality on motivated intermale aggression. Personality and Social Psychology Bulletin, 1981, 7, 153--159.

24 male undergraduates were provoked by a same-sex peer, exposed to (1) comparatively nonarousing, pleasant erotica (girlie fare); (2) arousing displeasing, and non-aggressive erotica (bestiality); (3) arousing displeasing, and aggressive erotica (sadomasochism); or (4) not exposed to erotica, and then provided with an opportunity to retaliate against their annoyer. Exposure to arousing, displeasing erotica, regardless of the degree of apparent aggressiveness involved, was found to increase retaliatory aggression relative to no exposure. Presence or absence of aggressive cues in these equally arousing and equally displeasing erotica was of no consequence. Exposure to nonarousing, pleasant erotica, compared to no exposure, had a negligible effect. The aggression facilitating effect of exposure to displeasing, disturbing, erotica is explained as the result of annoyance summation. (11 ref)

-Journal abstract

Zillmann, E., Bryant, J., Comisky, P. W., and Medoff, J. J. Excitation and hedonic valence in the effect of erotica on motivated intermale aggression. European Journal of Social Psychology, 1981, 11, 233-252.

The excitatory potential (low or high), hedonic valence; (negative or positive), and type of content (erotic or nonerotic) of visual stimuli were varied in a factorial design. 74 male undergraduates were provoked by a same-sex peer; exposed to communication; or in a no-exposure control, made to wait for a period of time equal to that of communication exposure; and each provided with an opportunity to retaliate against their annoyer. High excitatory potential and negative hedonic valence combined additively in a facilitative effect on retaliatory aggression. No significant differences were found in the effect of excitationally and hedonically matched erotica and nonerotica. Exposure to either arousing and displeasing erotica or nonerotica produced levels of aggression significantly above the level associated with the no-exposure control. However, exposure to comparatively nonarousing and pleasing erotica or nonerotica failed to reduce aggression. Findings support a model that projects the effect of erotica on retaliatory aggression as a joint function of their excitatory potential and their hedonic valence. (French and German abstracts) (33 ref)

-Journal abstract

Zillmann, D., and Bryant, J. Pornography, sexual callousness, and the trivialization of rape. Journal of Communication, 1982, 32, 10-21.

Studied the effect of pornography on perceptions of sexuality and behavioural dispositions toward sex and gender. 160 male and female undergraduates were assigned to 1 of 4 conditions in which exposure to pornography was massive, intermediate, or nil. Ss were tested for habituation effects, perceptions of sexuality, and dispositions concerning sex and gender. A control group was tested with no prior exposure to pornographic materials. Results show that numerous persisting perceptual and dispositional changes concerning sexuality, especially female sexuality, were recorded during the 3rd wk after the exposure treatment. Findings show that massive exposure to standard pornography resulted in a loss of compassion toward women as rape victims and toward women in general. (30 ref)

-Summary abstract

Zurcher, L. A., and Kirkpatrick, R. G. Status Discontent and Anti-Pornography Crusades: A Rejoinder to Roy Wallis' Critique. The Scottish Journal of Sociology, 1977, 2, 105-113.

Presented is a reply to R. Wallis's critique of Zurcher's and Kirkpatrick's *Citizens for Decency: Anti-Pornography Crusades as Status Defense* (Austin: University of Texas Press, 1976), in 'A Critique of the Theory of Moral Crusades as Status Defense' (Scottish Journal of Sociology, 1977, 1, 2, 195-203). It is argued that Wallis's perception of the use of the term 'status defense' was too narrow and exclusive. It is reiterated that the concept of status defense is incorporated into a larger, more useful theoretical scheme. Thus, the charge by Wallis of reductionism or unjustified imputation of motives is not correct. "Status group" has a clear referent in the analysis presented and that reference is demonstrated. Furthermore, it is argued that the 'symbolic' nature of the antipornography crusades which were observed was established and every effort was made to account for, if not neutralize, ideological bias. It is contended that accounts offered by relevant social actors (i.e., the antipornography crusaders) were treated seriously even though there was a dependence in large measure upon a structuralist orientation. There is no quarrel with Wallis's remaining criticism-that status defense does not alone sustain a causal relation to the emergence of antipornography crusades. It is pointed out that it was clearly demonstrated in *Citizens of Decency* that status defense is salient only in the context of other social and psychological factors.

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Ridington, J. Bibliography on Pornography. Canadian Advisory Council on the Status of Women, 1983.

Note: Contains references and resource information of considerable relevance to Canadians. Many of the citations would not otherwise be available through normal abstract search procedures (e.g., papers published by or for special interest groups; task force working papers, etc.). Extensive comments are provided by the author, however a tendency to confuse annotation with editorializing only mildly detracts from the value of the reference material presented.

Scott, D. A. Pornography, Aggression and Violence Against Women and Children: A Bibliography. In Mimeo, 1983.

Note: Not annotated but presented under categories which can be overwhelming and confusing. As the title suggest, the content reflects a variety of issues (and many others) which may or may not be related to 'pornography' per se. A primary task of the bibliographer should be to present the material in clear and defined categories: the unattainable ideal of course, is that these in turn will be mutually exclusive and exhaustive. The danger is that the bibliographer, in the spirit of enthusiasm for comprehensiveness, includes material that is neither clear as to what issue is being addressed nor precise as to the pertinence of the article categorized. Nevertheless, this large-scale work can be of considerable value for those familiar with the key issues respecti pornography.



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WORKING PAPERS ON PORNOGRAPHY AND PROSTITUTION

Report # 14

THE DEVELOPMENT OF LAW AND PUBLIC DEBATE IN THE UNITED KINGDOM IN RESPECT OF PORNOGRAPHY AND OBSCENITY

by
Ian Taylor

POLICY, PROGRAMS
AND RESEARCH BRANCH

RESEARCH AND
STATISTICS SECTION

THE DEVELOPMENT OF LAW
AND PUBLIC DEBATE
IN THE UNITED KINGDOM
IN RESPECT OF PORNOGRAPHY
AND OBSCENITY

RESEARCH PAPER PREPARED FOR
THE MINISTRY OF JUSTICE
CANADA, MAY 1984

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Acknowledgements

Much of the analysis presented in this paper is based on research conducted by myself in London during late March/early April 1984. I would like to thank the following for giving me their time and, unfailingly, very helpful information in personal interviews: Mr. M. Head, Head of C4 (Criminal Law) of the Home Office; Mr. Norman Abbott, Chief Executive of the British Videogram Association; Ms. Annette Kuhn of the Institute of Education, University of London; Ms. Angela McRobbie of St. Martin's College of Art, London; Mr. Martin Barker of British Polytechnic and Mr. Julian Petley of Newcastle on Tyne Polytechnic. I also received valuable information from Mr. Terence Neville, City Solicitor for the City of Westminster; the Parliamentary Video Group Enquiry; the National Campaign for the Reform of the Obscene Publications Arts; Mr. Alan Clarke (South Yorkshire County Council), Dr. D.L. Howitt (Loughborough University) Dr. John Pratt (University of Cambridge), Mr. Justin Wren-Lewis (University of Sheffield) and Dr. Jock Young (Middlesex Polytechnic).

I am grateful to them all, but, it should go without saying, my various informants are responsible neither individually nor collectively for the narratives and interpretations developed here.

Ian Taylor
Ottawa
May 1984

INTRODUCTION

The subject of this review is the present state of the legislation and public debate in the United Kingdom regarding pornography. For practical reasons, we shall confine ourselves - as did the recent British Home Office Report of the Committee on Obscenity and Film Censorship¹ - to "the laws concerning obscenity, indecency and violence in publications, displays and entertainments" and we shall not be dealing with broadcasting.²

Our topic is obviously beset by several contentious political or moral problems, not least of which is the basic question of defining the field. Conservatives and pragmatists may think that pornography reveals itself "commonsensically" in terms of its subject-matter. Libertarian opinion may deny the very idea of pornography altogether, whilst radicals may insist that the "real" pornography in modern society is the nuclear bomb, racism, imperialism etc. Contemporary feminist writing, in the meantime, is divided not just in respect of its attitude towards the legal repression of the phenomenon of pornography, but also in respect of the very definition of the phenomenon itself.³

The common thrust of libertarian, radical and some feminist analysis would appear to involve a rejection of the commonsense notion of pornography as being far too generalised, and thereby allowing the State to take up dangerous new powers of censorship, which in turn could expand unchecked and infringe unwarrantably on the rights of individuals or groups.

Other approaches to the definition of pornography seem often to be guilty of the opposite problem, of being too specific or restrictive (and therefore not comprehensive or declaratory of a general moral or legal principle). So, for example, even in law there is no hard and fast definition of pornography as such:

instead, legal prescriptions develop around very specific charges of "obscenity" and "indecentcy" and do so largely in response to individual, disconnected public complaints.⁴ We shall return to these legal questions later. The shorter Oxford English Dictionary, in dating the earliest appearance of the word "pornography" as being in 1864, defines the term only as the

"Description of the life, manners etc. of prostitutes and their patrons; hence the expression or suggestion of obscene or unchaste subjects in literature or art."

In an age in which hundreds of mass market magazines and videotapes devoted to depictions of sexuality in various forms appear in public places, such a definition of pornography may appear far too restrictive.

For the sake of this review, we can only proceed by recognizing that the definition of our subject matter is continually subject to contest. We are discussing an area in which there is no absolute moral, legal or social consensus.

This review will be organized into three sections. In Section 1, I intend to examine the history of the criminal law dealing with matters of obscenity in England and Wales up until 1978. In Section 2, I want to examine the public debate over pornography and legislative developments in England and Wales since the publication of the Longford Report in 1972, and, in particular, to discuss the context and substance of four new statutes which have been enacted by the Conservative Government with a view to enlarging control over sexual materials and activities. Finally, in Section 3, I want to pay more detailed attention to the latest outbreak of public anxiety in this area - namely, the "panic" over so-called "video nasties" (videotapes gratuitously and exclusively concerned with the depiction of violence and horror).

Section 1 The History and Present State of the Criminal Law⁵

Attempts at the legal definition and regulation of obscene material have a long history in the United Kingdom. Some form of licensing of literature existed from the time of Henry VIII (1509-47), although the preoccupations of such censorship were more frequently political and religious than they were directly moralistic. For most of the seventeenth century, however, in an atmosphere of increasing frankness in English theatre and literature, no action was taken to construct or to impose any particular criminal offence. In 1727, however, a Mr. Edmund Curll was prosecuted for publishing a tract entitled Venus in a Cloister or The Nun in Her Smock. An earlier case, that of Read in 1708, which had involved publication of a similar tract fell because the Court decided that the matter could not be decided outside the Ecclesiastical Courts. After considerable legal argument, however, the King's Bench Court in the case of Curll, concluded that there was a temporal offence of obscene libel.

This offence, of obscene libel, survived until 1959 in England and Wales, but it was only infrequently used. The enforcement of laws, then as now, seems to have depended on the existence of powerful popular sentiment or active organizations. Between 1802 and 1817, a body known as the Society for the Suppression of Vice successfully mounted some 40 prosecutions against what it saw as "a pestilent swarm of blasphemous, licentious and obscene books and prints". Forty years later, in 1857, Lord Campbell, the Lord Chief Justice of the day, introduced a Bill which was similarly conceived to repress the spread of prints. The debates on Lord Campbell's Act (as it came to be called) were notable for considerable dismay on many sides at the failure to define the term "obscenity"; and, indeed, Lord Campbell's Act (or the Obscene Publications Act of 1857) eventually decided to leave the definition of obscenity to the courts. The inevitable test case occurred in 1868. The

circumstances arose out of the order made by justices sitting in Wolverhampton that the copies of a pamphlet produced by Mr. Henry Scott, a member of the Protestant Electoral Union, entitled The Confessional Unmasked; showing the depravity of the Romish priesthood, the iniquity of the Confessional and the questions put to females in confession, should be destroyed. Scott appealed the judgement of the bench, on which sat Judge Benjamin Hicklin, on the grounds that the pamphlet was published neither for material gain nor "to prejudice good morals". This appeal was rejected by the Queen's Bench judges in April 1868, and the appeal judgement in what is known as the Hicklin case, has become famous for the formulation advanced by the Lord Chief Justice, Sir Alexander Cockburn. He pronounced that:

"I think the test of obscenity is this . . .
Whether the tendency of the matter charged as obscenity is to deprave and corrupt those whose minds are open to such immoral influences and into whose hands a publication of this sort may fall."
([1868] L.R.3 Q.B. 360 at p. 361)

The "Hicklin test" considerably extended the range of materials which could be prosecuted as "obscene". In the 1870's successful attempts were made to prosecute texts like The Fruits of Philosophy: An Essay on the Population Problem (on the grounds that it advocated birth control) and various texts by Zola, Flaubert, de Maupassant and Gautier (these prosecutions being mounted by a puritanical and xenophobic organisation called the National Vigilance Association); and, in the same period, publishers, afraid of the impact of the new test, turned away from authors like Havelock Ellis, George Moore and Edward Carpenter. The overwhelming contradiction, as Geoffrey Robertson observes, was that:

"While the eyes of the nanny were looking over the shoulder of the serious novelist, the ugliest pornography was flourishing behind her back....Repression was all on the surface, and even the Vice Society was moved to lament that

'unfortunately, a long experience has shown that, though the vigorous enforcement of the law is for a long time attended with the best effects, offences of this class always have a tendency to revive'."

(Robertson, 1979, p.33)

Robertson underlines his point about the double-edged effects of the Hicklin test by observing that the Queen's Bench judgement was followed by the unchallenged publication of "the great oeuvres of Victorian prurience", namely:

"Lady Bumtickler's Revels (1872); Colonel Spanker's Experimental Lecture (1879); The Story of a Dildoe (1880); My Secret Life (1885); not to mention one classic entitled Raped on the Railway: A True Story of a Lady who was first ravished and then flagellated on the Scotch express (1894)."

(Ibid)

For all this the Hicklin test became the standard test of obscenity in English law and has also, of course, been the accepted legal definition of obscenity in Canada as well as in Australia and in the U.S. The test also had a very long legal life in England and Wales remaining untouched until the Obscene Publications Act of 1959 (and even there being consolidated into the new law rather than being abolished outright).

The Obscene Publications Act of 1959 resulted from some further instances of "serious literature" falling foul of the 1857 charge of obscene libel. The precipitating circumstances were a 1954 case arising from the determination of the Director of Public Prosecutions to ban the sale of cheap novelties, including those by Hank Jansen, which had been identified in the previous year at an Interpol conference as a cause of sex crimes. The publisher being charged chose to defend himself by arguing that Jansen's prose was no more explicit than that which would be found in books published by Britain's most reputable publishers. In evidence, he offered samples of some recent texts to the judge. As a result of this

manoeuvre, three of Britain's major publishers (Heinemann, Hutchinson and Secker and Warburg) were arraigned before the Central Criminal Court. The ensuing proceedings left obscenity law in England and Wales in total confusion.⁶ Almost immediately, a committee chaired by Sir Alan Herber was established by the Society of Authors to press for reform of the law.

The proposals of the Society of Authors were subject to consideration by Select Committees of the House of Commons throughout 1957-8, but it required a Private Member's Bill, tabled by Mr. Roy Jenkins, to speed proceedings. Subjected to considerable amendment in the course of its passage through Parliament, this bill became law as the Obscene Publications Act of 1959.

As the author of the historical appendix in the Williams Report observes, the Obscene Publications Act:

"represented a compromise between the sponsors of the bill and the government. The protection for literature was achieved by the requirement that a published work should be taken as a whole and that it should be judged by its effect on those who were likely to see it rather than on anyone into whose hands it might have fallen, and by the provision of a defense of public good allowing for evidence of artistic, literary or scientific merit to be adduced. As a balance to this greater freedom for literature, the Act at the same time sought to strengthen the law against pornography, particularly by easing the procedures for the seizure of obscene articles and widening the powers of the police. It therefore replaced not only the common law on obscenity-though the offence of obscene libel was not actually abolished-but also Lord Campbell's Act of 1857." (Williams, 1979, p. 170 S 11)

This first Obscene Publications Act, though emanating from a Private Member's Bill, passed through a House of Commons dominated by a reformist Conservative Party and by a reforming Home Secretary, R.A. (later Lord) Butler, and it coincided closely with the passage of legislation limiting the use of the death penalty (the Homicide

Act of 1957), the decriminalisation of suicide (the Suicide Act of 1961) and legislation affecting betting and gambling. These items of legislation taken together have subsequently been seen, therefore, as the first phase in a period of "permissive" legislation in post-war Britain.

The second phase of "permissiveness" is identified with the tenure of the position of Home Secretary by Roy Jenkins, during the period of Labour Government (1964 to 1970). In this phase, legislation was passed which effected the final abolition of capital punishment (the Murder (Abolition) Act of 1965); decriminalized consenting homosexual activity in private (the Sexual Offences Act of 1967); legalized the use of family planning, abortion and divorce; abolished the censorship of the theatre by the medieval office of the Lord Chamberlain and legalised entertainment of the public on Sundays. In 1964, however, early in this phase of "permissive" reform, the Commons were successfully asked to pass a second Obscene Publications Act. This Act had two main purposes, neither of which were especially "permissive". The first concern arose out of the problems of obtaining evidence of an offence. In cases held after 1959, the courts had held that the placing of priced articles in shop windows was not an "offer of sale" and the courts had also decided that the sale of articles to police officers was unlikely, given the worldliness and experience of police, "to deprave and corrupt". The 1964 Act attempted to circumvent these evidentiary problems by creating a new offence-possessing an obscene article for gain.

The second concern of the 1964 Act was to allow police to seize photographic negatives: courts had found that such negatives could not properly be defined as "articles" in the meaning of the 1959 Act. The 1964 Act brought within existing legislation any article intended to be used for the reproduction of other articles.

We mention these two, quite technical, features of the 1964 Act for a specific purpose. It is fairly obvious that this Act was in no simple sense a piece of "permissive" legislation, and it is clear that the original 1959 Act was in no way intended to ease or to celebrate the publications or consumption of pornography in the United Kingdom. The primary intentions of some of the key figures in the reform of obscenity law during this period were to protect serious adult literature from the legal harassment which had followed Lord Campbell's Act of 1857 and which were repeated in the prosecution of serious British publishing houses in the early 1950's. The secondary intentions of the Home Secretaries of 1959 and 1964, R.A. Butler and Roy Jenkins, seem to have been to aid the police in their prosecution, in particular, of pornographic magazines. These quite conscious and pragmatic intentions were underwritten, however, by a relatively new philosophy regarding the State's role in the regulation of the morality of the citizenry. That philosophy had been most clearly and intentionally articulated in a famous Report published in 1957, resulting from the deliberations of a Home Office Committee chaired by Lord Wolfenden.

The Wolfenden Committee was initially established as a response to a mushrooming anxiety about an alleged growth of prostitution and homosexuality in the British capital.⁷ But the ensuing report is unusual for a government document produced under such circumstances. "Wolfenden" is a measured and quite purposive outline of government strategy in the field of moral regulation: it is in no way a simple-minded reaction to the ongoing panic surrounding its creation.⁸ The Wolfenden strategy is stated quite boldly early in the Report:

"We clearly recognize that the laws of any society must be acceptable to the general moral sense of the community. But we are not charged to enter into matters of private moral conduct except insofar as they directly affect the public good. In this field, (the law's) function, as we

see it, is to preserve public order and decency, to protect the citizen from what is offensive and injurious, and to provide sufficient safeguards against exploitation and corruption of others....It is not, in our view, the function of the law to intervene in the private lives of citizens or to seek to enforce any particular pattern of behaviour....Unless a deliberate attempt is to be made by society, acting through the agency of the law, to equate the sphere of crime with that of sin, there must remain a realm of private morality and immorality which is, in brief and crude terms, not the law's business".
(Wolfenden, 1957, pp.9-10, 24)

The Wolfenden strategy, therefore, was one which made a very clear distinction between private sin and public crime. Certain selected aspects of sexual activity (like male homosexual activity, consensually conducted in private, and prostitution organized outside the public domain) should not, in this perspective, be criminal: where such activities intruded into the public view, however, they should be treated not as moral offenses but as crimes against public order. This re-articulation of the character of sexual offences conducted in public should not be mistaken as "permissiveness", however: one of the most important features of the Wolfenden Report was the recommendation it made for substantial increases in the penalties for persistent soliciting, progressively higher fines for repeat offenders and an ultimate maximum of 3 months' imprisonment. The grounds for these proposals were, it should be said, quite unambiguously sexist:

"...the simple fact is that prostitutes do parade themselves more habitually and openly than their prospective customers, and do by their continual presence affront the sense of decency of the ordinary citizen."
(Wolfenden, 1957, p. 87)⁹

As commentators have subsequently observed, however, the key feature of prostitution which offended was its visibility; and the subject who is thought to be offended by such visibility seems, indeed, to be the famous "right thinking" man "on the Clapham

omnibus" subsequently invented by Lord Devlin, in his influential reflexious on The Enforcement of Morals, as the source of the sentiment the law ought coercively to protect. (Devlin, 1965). The question determining the law's role in the public realm is what this hypothetical "right thinking man" is prepared to tolerate as "respectable" behaviour in public. Intolerable (non-respectable) behaviour is in no way to be "permitted". The respectability of the public domain requires that individual involvement in sexuality should always be in private.

Examination of the "permissive" legislation of the 1957-9 and 1964-9 periods reveals, indeed, that nearly all this legislation exhibited a double-edged character. On the one hand, there was a "selective privatisation" (and thereby "permitting") of certain aspects of the behaviour in question (e.g. the grounds for divorce were made less public and monolithic and allowance was made for personal sentiments and needs), but, on the other, there was an intensification and extension of the State's ability to define the terms of a divorce settlement (e.g. in relation to division of property, custody of children etc.). A similar "double taxonomy" of "selective privatisation" and rationalisation of the State's role in the defence of the public sphere is apparent in the reforms made in these periods, in particular, in relation to abortion, family planning and homosexuality.¹⁰

Opponents of the reforming Home Secretaries who identified and criticised their reforms as irretrievably libertarian or, indeed, as tantamount to providing a free rein for pornographers were, therefore, quite wide of the mark. One well-known critic of Roy Jenkins' "permissive" Home Secretaryship, Mr. Cyril Black, Conservative M.P. for Louth in Lincolnshire, made several attempts during the late 1960's to embarass the Home Secretary on a broad front and, in 1967, he was eventually successful in persuading a court to issue a warrant for the seizure by the police of all copies

of Last Exit to Brooklyn. The government's response to this was to include in a subsequent Criminal Justice Act an amendment preventing justices of the peace from issuing warrants under Section 3 of the Obscene Publications Act except on application by the police or by and on behalf of the Director of Public Prosecutions: in this way, the government was able to preserve the crucial Wolfenden distinction endowing the State alone with the responsibility for the defence of the public realm and simultaneously limiting the ability of the State (whether acting under the particular influence of a pressure group or on its own initiative) from intervening in the private morals of the citizens (here, the reading preferences of adults).

The period from the passage of the Obscene Publications Act of 1964 to the late 1970's in the United Kingdom was marked by quite considerable moral furore and by several extremely well-publicised cases,¹¹ but the trajectory of the law has not (until very recently) threatened the domination of the overall Wolfenden strategy. Much of the legislative activity in this period is best described as a rationalisation of existing law. So, for example, the Criminal Law Act of 1977 included in it some measures to bring the exhibition of films within the scope of the Obscene Publications Acts (where previously they had been subject to the common law of indecency). Films have, of course, been subject to censorship in the United Kingdom in much the same way as they have in Canada (except that the Board of Censors is national rather than provincial): but in 1975 the use of the common law offence of indecency against a film shown in a public cinema converted the film industry to the view that they would be better off being subject to regulation via the 1959 Act than the common law.

Before turning to an analysis of the various campaigns that have been waged (with increasing effectiveness) against existing forms of

"moral regulation" in the United Kingdom, it is worth our examining the development of some related law. Two of the most pertinent pieces of legislation arose out of "panics" around particular issues.

The Childrens and Young Persons (Harmful Publications) Act of 1955 - to which we shall return in Section 3 of this Report - arose out of a quite considerable hysteria surrounding the entry into Britian of a new wave of horror comics produced in the United States, especially marked during 1954.¹² The Act was passed very rapidly, on the grounds of the felt need to prevent further circulation of these corrupting publications. The Society of Authors (and others) protested against the speed with which the legislation was put through and expressed its concern at the piecemeal character of the Act. Nontheless, this Act was destined to become a permanent part of the obscenity laws of the U.K. and, having been renewed by the Expiring Laws Act of 1969, remains in force today.

More recently, in July 1978, the House of Commons - with a view to preventing children being involved in the production of pornography - unanimously approved the Protection of Children Act. This Act arose out of a private member's bill introduced by Mr. Cyril Townsend M.P. but it was drafted in close consultation with an important pressure group, to which we will turn in a moment, entitled the National Viewers and Listeners Association.

Before turning to the NVALA and its recent victories in struggles for legislative reform, we should make it clear that the range of law available to the U.K. government prior to 1978 was by no means restricted to the Acts we have discussed (the Obscene Publications Acts, the Children and Young Persons (Harmful Publications) Act and the Protection of Children Act and the common law offence of obscene libel. Governments could and did make use of legislation governing public order in local authority areas (like the City of London Police Act of 1839) to control the display of

indecent publications, and they also had the power (under the Customs Consolidation Act of 1876) to interfere with mails suspected of being obscene material in process of importation into the U.K. The Post Office Act of 1953 allowed the seizure, and destruction of indecent or obscene articles found in the mails - and this was a much used power, although very few prosecutions were associated with these interventions. The Vagrancy Acts of 1824 and 1834 prohibited the public display of any obscene print, picture or "other indecent exhibition" and this too is a power that has resulted in countless confiscations but few actual prosecutions. Finally, as previously mentioned, the Theatres Act of 1968 Section 2 allowed charges of obscenity to be brought against a theatre, by the Director of Public Prosecutions (this being a new power, since previously the moral regulation of the stage had been the prerogative of the Lord Chamberlain).

It should be clear from the above that by 1978 a range of legal powers were available to governments in the U.K. in respect of the regulation of obscenity and pornography, and, certainly, the description of the form of existing law as "permissive" seems quite inaccurate. As we shall see in Section 2, much of the criticism of the existing laws essentially concerned the difficulty of application of the laws rather than their actual form or legislative intent.

Section 2 The Public Debate and Legislative Developments around
Pornography since the Williams Report

Laws on obscenity in the United Kingdom have been subject to very rapid reformulation in substance and in spirit over the last five to six years. No serious observer of these changes has any doubt that these changes have resulted to a very significant extent from the activities of various moralistic pressure groups, of which the National Viewers and Listeners Association is the most important. We need to discuss this organization and its objectives before turning to an account of its recent influence.¹³

The NVALA grew out of the tireless activity of a former Principal at a girls' high school in Madeley, Shropshire, Mrs. Mary Whitehouse. Beginning as a very small organization - preoccupied initially with the mere mention of pre-marital sex (called Clean-Up TV) - the association headed by Mrs. Whitehouse now has several thousand members and is widely known to exercise a very close "moral" scrutiny of the output of television (its primary concern), with respect to sexual matters in general as well as some much more directly political issues (like the de facto censorship of Sinn Fein and the IRA on British television, which the NVALA wholeheartedly supports). In recent years, however, Mrs. Whitehouse and some of her supporters have turned their attention to the question of more effective censorship of theatres and private cinemas as well as to the topics of magazine and videotape pornography. Mr. Raymond Blackburn achieved some notoriety in the middle to late 1970's, for example, for his frequent attempts to bring private prosecution against theatre companies and commercial retailers for indecent displays and obscenity; and, most famously of all, the festival of Light ¹⁴ (with which Mrs. Whitehouse was closely associated) was also responsible in the early 1970's for persuading the Labour peer, Lord Longford, to head up a major "public enquiry" into pornography. The research undertaken by the Longford Committee

(involving, as it did, a rather upright Christian gentleman in visits of observation to live "sex shows" in Amsterdam's red light district) was the subject of massive press coverage in the U.K. The ensuing publication, simply entitled Pornography-the Longford Report was a bestseller and a continuing topic for public discussion for some time to come. (cf. Longford 1972)

The Longford Report can be read as having three main targets.¹⁵

One of the major targets of the Longford Committee was the social scientific work on pornography which was then available and, in particular, the work of Berl Kutchinsky in Denmark. Kutchinsky had recently published work in the USA which purported to demonstrate that some quite marked decreases in Copenhagen in certain sexual offences (exhibitionism, molestation, and minor sexual offences) could be explained as resulting from the abolition in Denmark in 1969 of all legal restrictions on pornography¹⁶ (cf. Kutchinsky 1970). A key theme in Kutchinsky's work was the identification of pornography as having a cathartic effect on potential sex offenders, in providing alternative outlets for sexual expression. A considerable amount of effort is experienced in the Longford Report to try and undermine the credibility of Kutchinsky's research. Later in the 1970's, the NVALA was to sponsor the statistical research of an Australian based psychologist, Dr. John Court, in which attempts were made to show a positive correlation between the amounts of pornography in circulation and the numbers of rapes known to the police in certain countries. (Court, 1976)¹⁷ Court's work also strongly suggested that pornography has an addictive quality, and - so far from being "satiated" by exposure to unlimited amounts of pornography - that the consumer constantly develops a taste for further and ever more elaborate sexual thrills. In Court's argument, this results in a consumer-led market for sado-masochistic pornography, pornography involving bestiality,

or children, and/or exploiting race prejudice, and ultimately including the notorious "snuff movies". Court's overall conclusion, cautiously formulated in his academic papers, is that

"...the ideal of adult freedom must be tempered by the risk of harm to others (especially resulting from the presence of sexually disturbed adults in a community)...
The indications are that this risk is now getting to the point where a serious social problem has developed."

The critique of Kutchinsky was particularly important to the Longford Committee because it very closely tied in with what the Committee saw as the failure of the Obscene Publications Acts to repress pornography within the U.K. The finding that there could be a causal link between the public availability of pornographic magazines and recorded reductions in child molestation offences, for example, provided a solid (and apparently "scientific") basis for the argument that pornography had consequences "for the public good". So Kutchinsky's work was frequently quoted in cases brought to British courts under the 1959 Act as evidence that:

"...the publication of the article in question is justified as being for the public good on the ground that it is in the interests of science, literature, art or hearing, or of other objects of general concern."
(Obscene Publications Act 1959, Sec. 4)

Section 4 further allowed defendants accused of holding or publishing obscene articles (as well as the prosecution) to present "the opinion of experts as to the literary, artistic, scientific or other merits of the article". Throughout the 1960-1972 period, in particular, a large number of important cases were accompanied by presentations by several experts testifying to the "public good" of particular articles. In the famous trial of D.H. Lawrence's Lady Chatterley's Lover in 1960 - the first trial using the public good defence - over 20 expert witnesses testified to the literary merit of the text. Similar arrays of experts were brought by the defence

in the case of Cain's Book by Alexander Trocchi (a novel describing the life of a New York junkie, published in 1965) (John Calder (Publications) Ltd. v. Powell 1965 2 Q.B. 327); Last Exit to Brooklyn by Hubert Selby Jr. (a novel describing homosexual and heterosexual promiscuity and drug-use) (R.v. Calder and Boyars 1968 52 C.A.R. 706) and the 'OZ' case (the underground magazine discussed earlier) (R.v. Neville and Others (1972 56 C.A.R. at 125)). In these and many other less well-publicised cases, the defence arguments brought by experts were thought (at least by the Longford Committee) to be very influential with juries, and certainly it was very difficult to win convictions under the obscene Publications Act of 1959.¹⁸

The Longford Report, therefore, mounted a headlong attack on the public good defense, arguing that

while the defense of 'public good' has respectable ancestry...its moral and intellectual validity is open to the strongest doubt. Its invocation does not arise save in relation to articles which are deemed to have that tendency to deprave or corrupt which is the essence of obscenity within the meaning of the 1959 Act. So what, in effect, is asserted is that the literary or other merits of a work can nevertheless be such as to render it 'for the public good' that those who read it should run the risk of thereby becoming depraved and corrupted. Surely this is nonsense. Mr. John Montgomerie....has rightly said that 'the balancing of depravity against literary merit is farcical. Presumably the better obscenity is written, the more it corrupts
(Longford, 1972, pp. 368-9)

The Longford Committee also came out against the formula in the Obscene Publications Act defining obscenity. As indicated earlier, Section 1 (1) of that Act proposed obscenity amounted to a "tendency to deprave and corrupt" audiences into whose hands the material in question might fall. We have shown that this formulation encountered certain key legal difficulties. But these difficulties arose - according to the Longford Committee - because of the attempt

to excuse pornography under certain circumstances. The Committee felt their objections had been "admirably summarised" in a letter to The Times by Mr. Nigel Nicholson (a famous English essayist and historian), which it quoted in full:

"The OZ case throws new doubt on the legal definition of obscenity. 'A tendency to deprave and corrupt' is not good enough. It says the opposite of what we usually mean.

If a man exposes himself in the park to a young girl, the shocking sight is more likely to drive her to celibacy than prostitution. 'Deprave and corrupt' could excuse the sale of pornography in a brothel on the grounds that its patrons cannot be more corrupted than they already are. A publication or spectacle might be so repulsive that the defendants could argue (and did argue in the Oz case) that far from encouraging perversion, it renders the very idea of perversion nauseating. So the logic of the present definition of obscenity is that the harder the pornography the greater its deterrent effect and therefore the greater its social value.

Pornography is an evil in itself, and the law has to say so."

(The Times, 9 November 1971)

In order that the law should say just this, and free itself of the public good defence and the restrictive formula requiring proof of "a tendency to deprave and corrupt", the Longford Committee proposed a Draft Bill to replace existing obscenity legislation. In this Bill:

"an article or a performance of a play is obscene if its effect, taken as a whole, is to outrage contemporary standards of decency or humanity accepted by the public at large."

(Longford, 1972, p. 371)

This definition of obscenity would remove the requirement of proving that the material might have corrupting effects and was also said to have the advantage of allowing control of matters other than sex. In particular the Report thought this definition would allow prosecution of publications which presented an "alluring

picture" of drug addiction, and, it continued (without much elaboration) :

"It is intended to be directed against the horrifying and degrading descriptions and depictions of violence which are today prevalent."

Lying behind the Longford Report's critique of the social scientific analysis of pornography's cathartic effects and its attempts to circumvent the legal restrictions on prosecutions under the 1959 Act was a third and vital concern. Simply put, that objective was to establish an alternative philosophical rationale for "moral regulation" to that advanced in the Wolfenden Report.

Much of the thinking about moral regulation advanced in the Wolfenden Report closely paralleled the arguments that had been advanced by Mary Whitehouse and the National Viewers and Listeners Association. Whitehouse has been repelled, initially, by increased openness in the early 1960's toward the idea of couples engaging in pre-marital sex "experimentally". For her, these suggestions ran counter to her fundamental "Christian" - as she put it - belief in the need for the repression of sexual concerns even within marriage: sexuality is seen as a very minor element in the establishment and maintenance of family life. "Family life" is seen, fundamentally, as a responsibility (accepted on behalf of God) for the moral training of children. This moral training certainly emphasises the values of good literature, art and nature but carefully extinguishes any examination of sexuality in any of these areas. For Whitehouse, open discussion of sexuality by adults or by anyone in the public terrain constitutes an "invasion of the innocence" of adolescence. So there is, indeed, a repression of certain - some would say natural - features of the human species (namely its erotic and sensual interests). It is also worth noting, in the light of our concerns in Section 3 of this review, how the NVALA's view of television, cinema and videotape violence and horror

is almost entirely concerned with the censorship of imaginary violence and horror, and relatively unmoved by the violence and horror of the mundane world of everyday politics. There is no programme here for the creation of real peace and harmony in the world: only a programme for the suppression of unpleasant violence in the fictional or imaginary world.

The rationale for family life which is constantly invoked in Whitehouse is not utilitarian. That is to say that Whitehouse's view of the primary of family life as the source of individual moral learning is not advocated, in a conditional way, as the means to achieve a just or workable society (for women and men, adults and children, etc.). The view of the family is based almost entirely on the teachings of the Christian Church, and its is to this absolute conception of the family and its moral - not to say religious - role that Mary Whitehouse is committed.

In this view of the world, the cause of discontent in the area of personal, moral, sexual and private lives is not the development of authentic or worthwhile new interests in sexuality or independent personal lives amongst human beings. Nor either are these discontents the results of new strains in the family, and indeed changes in the family form as such, consequent on the entry of large numbers of women into the labour market and/or the other massive changes in the post-war economy of western societies. The discontents are seen to arise because of the undermining of the absolute primacy of the family institution over individuals. For Whitehouse, the NVALA and the Longford Committee, one of the main reasons for this undermining of the family was, indeed, the advance of what Whitehouse identifies as 'liberal-humanism'. 'Liberal' or 'humanist' experts had emerged in positions of influence within British life in the theatre, in art and literature, in law and politics and in the mass media - and had given time and space both to secular and relativistic rhetorics and ideologies. The

consequent "liberalisation" of abortion, divorce law, theatre censorship and of obscenity law (in its application) were an ongoing threat to the primacy of the family (supported by the State) as the source of moral teaching: indeed, one of the consequences of the advance of Wolfenden-type liberalism was the creation of discrepancies between the Christian idea of the State's role as a support for the moral tutorship role of the family and the liberal-humanist's attempt to create arenas of free choice untrammelled by the interference of the State.

Much of the attack that developed during the 1970's on "liberal-humanism" and Wolfenden reformism depended on this fundamentalist Christian familialism. But it is important to note the presence of another important theme in much of the critical literature and especially in the comments made by Lord Longford himself and by the Cambridge-based educationalist, David Holbrook. (Holbrook 1972) The objection made by Holbrook to pornography was to the "objectification" (the de-humanisation) and subordination of women in nearly all pornographic films and magazines: he also underlined the way in which much of the more vivid modern pornography produced an entirely "fantastic" and unreal concept and expectation not just of womanhood but also of male-female relations in general. Pornography abolishes the contradictions and the tragedies, as well as the real triumphs, of human existence - on which, for Holbrook, all great literary and filmic representations of the human condition depend. The aesthetic objection made by David Holbrook was certainly an elitist one (made by a scholar of high culture): the critique was of the desensitising and unsubtle effects of pornography read as literature. Of course, it may be that pornography's mass appeal is not best understood as a literary form. Nonetheless Holbrook's arguments added strength to the largely religious objections of the NVALA.

These increasingly noisy and repeated criticisms of pornography and of the Wolfenden insistence on the maintenance of both public order and private freedoms - were raised by influential elements of the right in British politics. This is not to say, however, that there were no "progressive" or social democratic voices raised against pornography, albeit the majority position within the British Labour and Liberal Parties and amongst other sectors of organized opinion was in general terms supportive of the Wolfenden strategy, with a significant libertarian fringe being sceptical of the benefits of State intervention on any terms. Professor Bernard Crick, in a series of public lectures on "Crime, Rape and Gin", quite elegantly made the sensible observation that the preoccupation with pornography was preventing serious consideration of other quite vital problems of love, reciprocity and responsibility in "liberated" adult sexual relations. Being a social democrat, Professor Crick was aware that the failure to solve these problems would leave many people (probably mainly women) very poor materially; but he was not so "materialist" as to think that the problems of love in modern society (disconnected as they are from traditional belief in the permanence and patriarchal character of marriage) have no poetic or tragic qualities. (cf. Crick 1974).

Perhaps the most persistent voice raised against pornography (other than that of the N.V.A.L.A.) was the voice of the Women's movement itself. The indictments of pornography in certain sections of the press (the Guardian "Women's Page", Spare Rib and elsewhere) were given further impetus by the revelation that the "Cambridge Rapist" (a violent sex offender who terrified the University town in 1976 and 1977) had a large personal collection of adult magazines, and latterly by the orgy of murders of women engaged in by the so-called "Yorkshire Ripper", Peter Sutcliffe, in 1980-1. During the police hunt for the Yorkshire Ripper, large proportions of the female population were outraged by the police's attempt to impose a curfew on women (arguing that the problem was male violence against

women) and a variety of women's groups (ranging from "Angry Women" to "Women against Violence against Women") engaged in a range of political campaigns under the slogan "Pornography is the theory; rape is the practice".

Members of the women's movement also engaged in direct attacks on "sex establishments" in different parts of the country, daubing slogans on their windows or, occasionally, vandalising the establishments' premises. In London, at least two major "Take Back the Night" marches proceeded through Soho and confronted owners and customers of sex establishments, whilst other demonstrations were held inside the offices of the Sun, Daily Star and Daily Mail newspapers, to protest against the now conventional use in those papers of semi-nude girls on Page Three and the general trivialisation of women's issues. (See, for example, "Anti-Porn Arrests" Guardian 13 December 1980)¹⁹

There is no difficulty in explaining the widespread anxiety over pornography that arose in Britain during this period, especially amongst intellectuals and/or religious leaders with an interest in the broad direction of society. The common complaint was that "pornography" was increasingly intrusive and inescapable. By this, the critics meant that scenes of sexuality were on the increase on television; that violence on television also was more prominent (especially in U.S.-imported "cops and robbers" shows) and also, in particular, that the sheer amount of magazine pornography on sale, even in local corner stores, exceeded all previous experience. The argument here was that the "ordinary" customer in a corner store (from young person to old age pensioner) could not avoid being confronted by garish, unsettling and/or frightening, scenes on the cover of pornographic magazines. In some commentaries, the observation was also made that the character of magazine pornography

was becoming more "extreme" and particularly that the magazines were featuring more violence, more children and animals and more exploitation generally.

The empirical evidence for each of these claims varies. There is no serious longitudinal research on the post war development of British television's coverage of sexuality, and any generalisations that are offered are probably based on the weekly counts that members of the NVALA produce by way of programme analysis. These counts tell us nothing, for example, about the context in which a person appeared in the nude, and whether the scenes were framed provocatively or merely "naturalistically". The tendency in these reports is always to speak of a deterioration in television's standards in these areas: no thought seems to be given to the incessant televising of dumb blondes and long legged chorus girls (to the accompaniment of cheap jokes from male comedians) which was an absolutely staple feature of British television in the 1950's.

The evidence for an increased portrayal of violence is also very unsystematic, and much of the research on the effects of such violence is also quite primitive.²⁰ There certainly has been an increase in the number of relatively violent American series shown on the various British television channels, but, given that British television now has four channels and runs through the day, the proportion of television time devoted to such shows may not have increased. On the other hand, there was undoubtedly a quite marked increase in the number of allegedly 'realistic' machismo police series produced in Britain (The Sweeney, The Professionals, etc.);²¹ and these programmes could certainly be indicted for glorifying violence, especially that committed by hard-headed Authority itself (the Police).

What seems to be beyond doubt, however, is the growth of the pornographic magazine industry in Britain. The Williams Committee,

to which we turn in a moment, commissioned its own research into "the circulation and readership of adult magazines" in the U.K. On the basis of obtaining actual circulations of five adult magazines (Club International, Mayfair, Men Only, Penthouse and Playboy (UK edition), the researcher estimated a net total readership of these five magazines as roughly 4 million.²² The large number of smaller magazines that are available in Britain might raise this figure to 6 million (Williams, 1979, p. 256). The research also showed that the magazines, taken as a whole, had exhibited enormous "readership growth" between 1970 and 1972, a slight decline between 1974 and 1976, a further increase in 1977 and then a return to the levels of 1976. More recent investigation by Pratt reveals there has been a steady decline in the sales of these (and other) sex magazines since 1978 (Pratt, 1984, Table 1). What was clearly a boom industry - pornographic magazine production - may now have been quite severely curtailed by the combined effects of economic recession and the mass marketing of pornographic video.

There is no doubt that the character of the pornography routinely available in magazines in Britain was changing very rapidly in this period. New watersheds were being crossed by the publishers of magazines in the search for audiences.²³ The Williams Report references the initiatives taken in 1973-1974 by a Mr. David Sullivan to produce "riskier" and "more explicit" magazines, which he called Private and (very impudently) Whitehouse. Like their American counterpart - Hustler - these magazines specialized in very glossy close-up photographs of female genitalia (notably the so-called "tunnel shot") and also in the use of bizarre and "fantastic" settings. The rise of Whitehouse's circulation in the late 1970's paralleled a decline in the circulation of Playboy, which had eschewed any move towards this kind of photography.

The Williams Committee was established, therefore, in the context of a considerable anxiety over the growth of pornographic literature and films as a part of Britain's urban landscape. In particular, the Committee was established as a response to the anxieties which had arisen early in 1977 over the alleged exploitation of children by some producers of pornography. But also - clearly - there was a reassertion of the concern that these magazines should not be so routinely available and thereby potentially so corrupting to minors. Though the police were now using their powers of seizure (under the Customs Consolidation Act and Post Office Acts) with increasing regularity,²⁴ the growth of the "legitimate" market and the difficulty of winning convictions on obscenity charges, was threatening to undermine the credibility of the Obscene Publications Act. Editorial writers and others were increasingly speaking of the denial of individual liberty that was involved in not being able to enter corner stores or pass bookstalls or newspaper kiosks without being confronted with a pornographic image.

The resulting Report is best conceived, perhaps, as an attempt to rescue the basic Wolfenden strategy. The Committee explicitly rebuts all the pressure of the times to see pornography within a "cause-and-effect" argument. Instead, the Committee recommends that the principal object of the law should be to prevent certain kinds of material causing offence to "reasonable people" and also to prevent it being made available to young people. This objective is underpinned by a concern that the law should operate as the basis of the "harms caused by or involved in the existence of this material." (Williams, 1979, p. 153) But it is also concerned to protect the right of adults to buy most of the currently available material for their private use since, the Report argues, an "objective assessment of likely harm does not support a wider prohibition." (Williams, op. cit. p. 160) The upshot is the key Williams recommendation for "restriction" on the display, sale, hire

etc" of material, such that such material can only be obtained by post, "in a restricted performance," or in premises which are specially designed for the sale of such material. The Williams proposal calls for these premisses

- (a) to refuse admission to persons under the age of 18,
 - (b) to place a prominent warning sign by all access routes into the building, and
 - (c) make no display available to persons not passing beyond the warning notice, other than the name of the business and an indication of its nature.
- (Williams, op.cit., p. 160)

It is worth noting that the "sex industry", as it was increasingly referred to in Britain, had already anticipated many of Williams' proposals. The British Adult Publications Association Ltd. (BAPAL), established in May 1977, actually established its own guidelines to try and prevent distribution of the material to which investigatory committees like Williams might object. The BAPAL Board was actually chaired by the famous now retired member of the British Board of Film Censors, John Trevelyan, and

"the guidelines prohibit photographs of actual sexual intercourse - including oral sex - all forms of illegal and potentially harmful sexual activities, bondage, flagellation and extreme close-ups of the anal or vaginal area."

(Hebert, 1978)

The Williams Report (commissioned by a Labour Government but delivered over two years later, to a Conservative government six months into its mandate, in November 1979) was substantially ignored by the new administration. One suspicion was that the new Home Secretary wanted to give the industry time to put its own house in order. A stronger view was that the new administration's strong faith in the ideology of the free market would prevent it from legislating in the areas of this growth industry. (Pratt 1981) Certainly the evidence for a time was that the mere threat of legal action was producing a response in the sex industry:²⁵ the fronts

of sex shops in most urban centres and especially in Soho (London's centre for commercial sex establishments) were covered up, and signs of the kind demanded in the Williams Report do now confront any person about to enter one of these establishments. (cf. Ellis 1980) This self-regulation of sex shops was then made permanent by legislation in 1981 (see below).

For the first three years of the first Thatcher government, there were no formal initiatives taken against the sex industry in Britain. One political commentator astutely suggests that the real reason for inaction was that the government had no desire to take up the altogether liberal and utilitarian Williams Report, but neither had they any clear idea as to how to overhaul the mess into which obscenity law had fallen. (Benton, 1982, p. 11).

Indeed the first initiative taken to reform the law in this area during the lifetime of the first Thatcher government arose out of a private member's bill rather than from any policy decision by the government itself. The Indecent Displays (Control) Act, resulting from a Bill brought by Timothy Sainsbury M.P., established an offence of publicly displaying indecent material and made this offence punishable by a fine of 1,000 pounds (about \$1,750), or a prison sentence of up to two years or both. This legislation was clearly intended to circumvent entirely the evidentiary problems encountered by the 1959 Obscene Publications Act by making "display" - as such - of obscene materials a criminal offence. The Act also took up the Williams proposal for a warning notice to be placed at the access to premises where indecent material is to be found, and thereby made lawful what was already being practiced by most merchants in the sex trade.

In July 1982, however, a further initiative took place in a government bill, but in the most unlikely location. Tacked onto the Local Government (Miscellaneous Provisions) Act - a document which

has rightly been described as "a mishmash of laws classifying certain local authority powers, including the regulation of acupuncture, take-away food shops and firemen's switches for luminous tube signs" (Benton, 1982, p. 10) - was a clause giving local authorities in the United Kingdom (the equivalent of metropolitan and city councils in Canada) the power to introduce a licensing system for "sex establishments". Though Mary Whitehouse of the N.V.A.L.A. claimed credit for this, adding that "Women's Lib" was on her side, research by the New Statesman suggests that the proposal for licensing originated from pressure put by Westminster City Council. Westminster is the London borough covering the notorious area of Soho, which felt by the early 1980's that it had finally lost many of its old ethnic food shops and restaurants to the sex industry. In 1982, according to the Westminster City Council General Purpose Committee there were 186 "sex establishments" in Soho, 35 sex cinemas, 15 video lounges, 33 video film booths, 7 peepshows, 6 "nude encounter parlours", 21 strip clubs, 7 sauna massage parlours and 62 sex shops.²⁶ The Council was concerned to encourage legislative action on all fronts²⁷ to turn back the escalating growth of the sex trade within Soho²⁸, but they were also concerned that "the trade" was spreading to other parts of the Council's jurisdiction (particularly Paddington and Victoria). The Westminster Council's arguments were successful when the government began to receive pressure from local authorities elsewhere in England, complaining about the inexorable growth of sex shops in their areas.²⁹ The Act enabled local councils to use the licenses to exclude sex establishments entirely from what the Act called "appropriate localities".³⁰

Later in 1982, the government decided to move further and gave time to the Cinematograph (Amendment) Act. This legislation "closed a loophole in the 1952 Cinematograph Act, which had permitted exhibition of films on unlicensed premises, provided that the audience were members of a cinema club." (Kuhn, 1984b, p. 10). The

new law made all film and (mentioned specifically for the first time) video exhibitions "promoted for private gain" liable to censorship. All local cinemas in the United Kingdom (even if they defined themselves as private clubs) would henceforth require a licence "in order to trade". A new certificate called "Restricted 18" is available for premisses predominantly devoted to pornographic material, but the grounds on which the British Board of Censors would award or refuse this certificate are not as yet apparent. The Cinematograph (Amendment) Act - a mere nine pages of substantive legal instrument - marks an important shift in the post-war history of moral regulation in the United Kingdom, for, as Annette Kuhn observes:

"for the past three decades, the film censor's efforts have been devoted to the classification of films for adult audiences. This new measure reintroduces a thoroughgoing censorship of films for adult audiences. This is the definition of 'public' - subject to regulation, in other words - extended to all premises in which films are shown for profit!"

(Kuhn, 1984b, p. 10)

Kuhn wryly notes that

"This contrasts with the exemption of working men's clubs from the Sex Discrimination Act. And now that, under the Local Authority (Miscellaneous Provisions) Act of 1982, local authorities can require the owners of 'sex establishments' to obtain a licence, all premises dealing in sexual representations have effectively been transformed into public places."

(Ibid)

In this respect alone, the two Acts are a clear rejection of the Wolfenden strategy of legislating simultaneously for public order and private freedom. The Local Government (Miscellaneous Provisions) Act also constructs a blunt instrument for cutting through the years of argument amongst lawyers, censors and other experts over the interpretation of film. The Act defines the materials to be controlled as

- "moving pictures, by whatever means produced, which -
- (a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage -
 - (i) sexual activity; or
 - (ii) acts of force or restraint which are associated with sexual activity; or
 - (b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions."
- (Schedule 3, section 3, p. 68)

As Annette Kuhn has remarked, this is a remarkable attempt, actually unparalleled since Lord Campbell's Act, to establish an "a priori definition of the content of representations to be restricted." (Kuhn, 1984b, p. 11). The fact that the responsibility for decisions in particular cases is handed to the judiciary (other than the British Board of Censors) makes it possible that there will be legal initiatives to restrict even the display of the naked human form on film.

The most recent legislative initiative of the British Government, the Video Recordings Act, also exhibits a very direct kind of interventionism into areas that the Wolfenden would have clearly regarded as "private". The statute, which will pass into law later this year after its final reading in the House of Commons, is directly and ostensibly concerned to examine a particular product - namely, videotape recordings that are concerned "to any extent" with the depiction of certain (unspecified) "human sexuality", "mutilation, torture or other acts of gross violence" or "human genital organs" - with a view to taking it completely off the market. The measure will establish an Authority (initially, the British Board of Film Censors) to classify video cassettes as being "suitable for viewing in the home" and to censor them if they are not suitable. The phrase "in the home" is enlarged to mean that

"the video work is suitable for showing to persons of any age (with or without any qualification as to the

desirability of parental guidance with regard to the showing of the work to children or as to the particular suitability of the work for showing to children)..." (Clause 5 (2))³¹

There will be fines of 20,000 pounds for dealers or distributors who make cassettes available to the public without a BBFC classification; and, most ominously of all from the perspective of the many civil-liberarian critics of this new legislation:

"The Board will be enlarged for its new censorship role: it will acquire additional premises and will have two vice-presidents approved by the Home Secretary - the first directly political link in its 70-year history". (Robertson, 1984)

Almost all the 6,000 video titles currently on sale or for rent in the U.K. will have to be vetted by the new Board (the only exceptions are educational videos, or those concerned with sports, religion or music).³²

The Bill has several contradictory features and introduces further complications into the already complex state of obscenity law in the U.K. One of the most peculiar aspects is that the Act will still require programmes that have been shown on television to be submitted to the Board before they can be reissued on videocassette. Another is the double jeopardy that is created for distributors and dealers: the fact that a videocassette has been given a classification by the BBFC does not mean that the Director of Public Prosecutions, local police forces or private prosecutors are prevented from prosecuting distributors or dealers under the Obscene Publications Act on the grounds of having for sale or rent materials which could "tend to deprave and corrupt."³³ The maximum sentence under the Obscene Publications Act for selling a film later found obscene is three years.

Many commentators in Britain - including some proponents of increased censorship - have expressed considerable reservation about the powers which the British government has assumed under the Video Recording Act. But, by the same token, my research indicated that there has been no massive protest about the general intentions of the Act.³⁴ To understand this, it is necessary to trace some of the recent concern about the content and effects in Britain of the new growth industry - the production and viewing of video. This is the subject of the third and final section of this review.

Section 3 The "Video Nasties" Panic 1981-4

Outbreaks of anxiety about the visual representation of violence and its effects are nothing new in Britain. (for a comprehensive and intelligent review of earlier instances cf. Lusted 1983). The phenomenon of the allegedly violent Teddy Boy of the 1950's, for example, was widely attributed by authoritative commentators in Britain to the screening of American gangster movies and, latterly, to the "violent" beat of the early Rock 'n Roll movies. Delinquency in general was frequently connected to the American horror comics which were eventually banned in 1955. Hooliganism around soccer stadiums in the 1960's was put down to the screening of invasions of the pitch and menacing crowd scenes on television. The political violence of the counter-culture in the late 1960's, then the violence of young blacks and poor whites in the 1970's and, of course, the riots of the summer of 1981 were all given an explanation, by various commentators, as a general effect of the viewing of television and as a particular consequence of a process of imitation. These "Clockwork Orange" type explanations have since been attributed a scientific status as behaviourist theory by Hans Eysenck and D.K.B. Nias (1978) and William Belson (1978) in their separate, but substantively very similar, studies of the impact of television on behaviour.

The most recent outbreak of this kind of concern in Britain has arisen around the viewing of certain videotapes, especially by the very young. Before giving more detail on these developments, however, we should explain more about the context of video use in the U.K. According to Intermedia, the journal of the International Institute of Communications, proportionately more Britons own videocassette recorders than any other nationality in the world: Intermedia's estimate for 1983 was that some 30.1 per cent of all TV owners would have a VCR. By contrast, only 10.7 per cent of TV

owners in the USA and 8.4 per cent in Canada were estimated to have a VCR. The world total of videocassette recorders was estimated in 1983 to be 36 million and of these, 6 million were to be found in British homes (17.9 per cent of the world total).³⁵ According to the Chief Executive of the British Videogram Association, Mr. Norman Abbott, VCR ownership in Britain in March 1984 was 32 per cent of all TV-owning homes and increasing by 1 per cent per month.

Different reasons can be advanced for the very pronounced development of the VCR as a consumer item in Britain - the most obvious of which is that television entertainment and choice of programming is currently only offered on four channels. On the other hand, according to two crime correspondents (who are not known for sensationalism), writing early in 1981:

"...the unpublished side of this flood of new technology entertainment is the existence of a huge racket in video pornography. Among the biggest selling video cassettes by far are those which can be broadly described as erotic entertainment. Not long ago tapes with some sex content were said to have taken as much as 70 per cent of the market. The percentage may still be over 30 per cent." (Parry and Jordan, 1981a)

According to these writers, the growth of the market in pornographic video had occurred largely amongst middle class consumers, taking over from mild drug use as the symbol of "modernism".³⁶ They go on to detail how pornographic videos had largely been produced on the continent of Europe and smuggled into Britain in container trucks, but suggest that economic reasons had recently encouraged producers of video film to set up operation in Britain where performers are apparently cheaper.

The development of the pornographic video industry in Britain was, of course, significantly eased by the ambiguities in the Obscene Publications Acts. We indicated earlier that it was not

until 1977 that films were brought fully within the scope of the obscenity laws. But the Criminal Law Act which did this did not specify whether the videotape was "a record of pictures", or an "article" under the Obscene Publications Act or television (which section 1(3) of the Act specifically excluded). This confusion has forced police back to the use of the notoriously difficult section 2(1) of the Obscene Publications Act. (cf. Parry and Jordan 1981b)

Videotapes are sold and/or rented in Britain from newly-opened video stores located in what used to be ordinary shops or other commercial premisses, and the owners advertise their tapes from their front windows with eye-catching posters directed at the street.

At some time during 1981, members of the public and the British Videogram Association (the official organisation representing the views of the video industry) made complaints to the Advertising Standards Authority about the "gruesome" character of the advertising that could be seen in certain video stores.³⁷ The authority upheld the complaints against the advertisements for the video films called Cannibal Holocaust, Driller Killer and S.S. Experiment Camp. This was the first public attempt to "problematise" the issue of horror movies on video. Popular anxiety was recognised a second time by the Daily Mail, a right-wing national newspaper, on 12 May 1982 with a feature article which implied that videos were quite easily obtainable by children (there were, then, no restrictions on the age of renters in video stores and rentals were low enough for children to club together to rent videos, which they could then play on their parents' machines in their parents' absence. A glut of articles then appeared in the Sunday Times (23 May 1982), the Daily Mail (28 May) and the Sunday Times again (30 May 1982). Julian Petley comments:

"The gist of all three articles was that a new kind of extremely violent horror film had become available on cassette, 'films which specialise in sadism, mutilation and cannibalism' (Sunday Times, May 30), films which show 'castration, sadistic attacks on women, and violence including the use of chain saws and electric drills'." (Petley, 1984, p. 68)

It was in one of these articles that the Sunday Times reporter, Peter Clippingdale, coined the term "video nasty", and it was a term that was immediately taken up in the press as a whole. The Sunday Times also revealed that the Metropolitan Police Obscene Publications Squad had seized a copy of S.S. Experiment Camp. The British Videogram Association, in the meantime, was reported as setting up a system of classification, via the British Board of Film Censors, similar to those in use in cinemas. This move was immediately attacked, however, by Mrs. Whitehouse of the NVALA: she denounced the involvement of film censors like Lord Harlech on this classification board, arguing that he (and the BBFC) had previously been far too permissive in the classification of cinema films. As Petley observes, this was

"the first indication that what is being sought is stricter censorship of video than film". (Petley, op. cit., p. 70)

In June, the Director of Public Prosecutions commenced proceedings against three videos (S.S. Experiment Camp, I Spit on Your Grave and Driller Killer), but to the dismay of the NVALA did so under section 3 of the Obscene Publications Act (allowing forfeiture under a magistrate's warrant) rather than section 2 (which allows a maximum 3 year prison sentence). By September, cases against all three videos (along with Death Trap, a video movie that had been shown, slightly cut, in cinemas) were heard in various courts, and found guilty and forfeited. Notice was also served by the Director of Public Prosecutions, Sir Thomas Hetherington (whom

Mrs. Whitehouse had called on to resign for his choice only of a section 2 forfeiture), that future cases would be dealt with under section 3.

On 15 December 1982, Gareth Waddell, Labour Member for Gower, introduced a bill with all-party backing, "to prohibit the rental of videocassettes of adult category to children". This bill was criticised in the liberal press for making no attempt to distinguish between the horror movies which were causing concern and other adult videos; but the Bill did not, in any case, obtain Government approval. In February 1983, the Daily Mail carried a major feature on 'video nasties' under the headline "We Must Protect Our Children Now" and launched a campaign under the rubric Ban the Sadist Videos. A strong attack was made on the then Home Secretary, Mr. William Whitelaw, for his refusal to support the statutory measure proposed by Mr. Waddell. In March, the Daily Telegraph, an "up-market" newspaper on the political right, for the first time revealed that Mrs. Whitehouse had received supportive letters from Margaret Thatcher, encouraging her to press on with the NVALA campaign.

In the meantime, on April 14, the BVA launched its own classification system, indicating that the Government had said in consultations that it was prepared to give the voluntary scheme "a reasonable time" to prove itself. But on June 30, Margaret Thatcher, in question time, indicated that

"it is not enough to have voluntary regulation. We must bring in a ban to regulate the matter."³⁸

In July, it was revealed that the Home Office (now under a new Home Secretary, Mr. Leon Brittain) had drawn up a draft Bill and that it was expected that whichever Conservative back-bench M.P. topped the ballot for a private members' bill would be given the

chance or the honour to proceed with this draft. This M.P. turned out to be Mr. Graham Bright. The Video Recordings Bill, which we described as the end of section 2, was therefore put to the House of Commons in July by Mr. Bright, had its second reading in November 1983 and passed into law in April 1984. The effect of the Act is, indeed, to outlaw the selling or hiring of any cassette not approved by a centralised state censorship authority. It also makes it an offence to sell or to rent to a child a video classified as suitable only for an adult.

Coincident with this Bill's second reading in Parliament, a great deal of publicity was given to release of a report entitled Video Violence and Children: Children's Viewing Patterns in England and Wales.

This report was presented in the press under headlines proclaiming that "40% of children aged six watch video nasties" and that "sadistic films have replaced the conjurer at children's parties and the baby sitter". (Barker 1984c, p. 1) The research which had led to these conclusions had been undertaken with some 6,000 children aged 5 to 16 randomly selected from schools throughout England and Wales, who had completed a questionnaire asking them if they had seen certain named video movies. They were then asked to rate as 'great', 'just alright' or 'awful' the movies they had seen. The list of movies was made up of 100 most popular video films (obtained from video traders) plus 32 other films that had currently been found obscene or were under consideration for prosecution by the Director of Public Prosecutions.

The research project had been established by a body which was calling itself, most misleadingly, the Parliamentary Group Video Enquiry. The Group had no direct link to, or status within, Parliament at all, but was actually made up of representatives of a number of churches, the Order of Christian Unity and CARE campaigns

(which is the current name of the festival of Light). It was an ad hoc group in which a leading influence was a Dr. Clifford Hill, late of the London School of Economics. The research project itself emerged out of an agreement between Dr. Hill and the Television Research Unit at Oxford Polytechnic, headed by Mr. Brian Brown (himself a strong Methodist).

The report which was released in November 1983, however, was written by Dr. Hill alone without the agreement of the Oxford Polytechnic team (who had done most of the research), and it was based on an analysis of only 1,044 questionnaires (the only ones to have been computer-analysed at that time). The Report was also written up as if it were a demonstration of a causal relationship existing between the viewing of video and/or television violence and the rates of "real" crime (especially violent crime) in the broader society. The result of this Report was that Mr. Brown (who had indicated his disbelief in "effects" research from the outset) resigned from the Enquiry and the Oxford Television Research Unit has completely withdrawn from the Parliamentary Video Group Enquiry.³⁹

It is clear that Dr. Hill was badly mistaken to have released the first volume of the PVGE's enquiry so soon, because the criticism of the inadequacy of the 1,044 sample and also the claims to having provided a causal account have done little for the Group's credibility. It was clear from my interviews with the British Home Office that this research is no longer taken seriously as "scientific" work which could legitimise the new Home Secretary's interventionism.

Clearly, however, there is a serious concern here, albeit one that must be carefully framed. Investigations undertaken by the British Market Research Bureau in Britain between November 1983 and

January 1984 indicated that 16 per cent of 1,059 people, when asked the theme of the last video they rented, identified that theme as "horror". The other figures were

Classic/Thriller	16 per cent
Comedy	12 per cent
Adult	7 per cent
General features	7 per cent
Children's	5 per cent
Science fiction	4 per cent
War	4 per cent
Musical	2 per cent
Sport	1 per cent
Other	1 per cent

(Source: Forte/BMRB 1984 Table F22)

Renters aged 15 - 19 were much more likely than others, however, to have rented a "horror" video on their last visit to the video store (25 per cent). Other than horror, only comedies and classic/thrillers (at 20 and 11 percent respectively) even began to compete. Clearly, however, some of these videos were of movies like Frankenstein and should not properly be described as "video nasties." According to Robertson (1984) only about thirty of the videos available in British video stores can properly be so described.

These data neither confirm or deny the findings of the Parliamentary Video Group Inquiry with respect to video exposure by children under 15. Given the limited nature of the evidence, libertarians and skeptics tend to deny the Government's claim to be concerned with the protection of impressionable or easily-frightened children.

There is, however, some research on the question, undertaken by British sociologist Keith Roe (at the University of Lund in Sweden). Lund studied questionnaire information obtained from fifty 15-year olds who could be described as heavy users of video, which is now very common in Sweden. One of his key findings was that the "nasty" videos were watched mainly by boys (girls seeming to concentrate on "romantic" videos). But, tellingly:

"most boys preferred adventure videos to nasties - but they actually spent their time watching violence. Many found these violent nasties unpleasant: they reported headaches and feeling 'heavy' or 'tired' afterwards. 'You go to the toilet and feel ill' was how one boy put it in the taped interviews. Some teenagers found it hard to sleep afterwards and use distractions to take their minds off what they had seen. Asked why they watched the stuff, the boys said 'You feel the group pressure. You don't want to show yourself up before your friends.' Or 'they'd say what a coward you are.'" (Patmore, 1983)

We are seriously speaking here of materials that have real significance in the reproduction of a male bravado or insensibility vis-à-vis human suffering. By the same logic, of course, some video portrayals of sexuality are portrayals more of male brutality than they are displays of images that are erotic to both sexes. But "video nasties" do seem to have the exclusive intention of constructing, exploring and sometimes even celebrating the erotic character of violence as such, and especially violence against women. In this report, the videos are of a piece with the cinema movies released in the late 1970's in the United States, focussing on the vengeful murder by men of "difficult" or "nagging" women. These movies (Friday the 13th, When a Stranger Calls, Halloween, He Knows You're Alone, Dressed to Kill, etc.)⁴⁰ have been widely attacked by the women's movement, on the entirely plausible interpretation that the films represented a direct ideological backlash against feminism in general and strong-minded or independent women in particular.

But this is only one element in the video nasties. The violence on the "nasties" is sometimes perpetrated against men. I Spit on Your Grave, for example, (one of the most infamous of the nasties, produced in the USA), graphically portrays the revenge murder committed by a woman of the four men who had violently raped her (at the beginning of the movie).⁴¹ The violence in Driller Killer is random (in this film, a young artist becomes mentally deranged when he believes he is touched by the devil and he commences to murder 12 people, both men and women, using a powerpack drill). There is a consistent emphasis in many of the nasties on brutal violence against women (especially marked in S.S. Experiment Camp), but there is also a generalised preoccupation with the detail of extreme human pain and suffering.

Now, it seems to this researcher quite naive to depict the popular interest in Britain in video nasties as being literally equivalent to every earlier moral panic about sex and violence, irrespective of historical context. The nasties are not merely a more vivid modern equivalent of nineteenth-century crime magazines or the horror comics of the 1950's⁴² - because this is not the nineteenth century nor the 1950's.

What cannot be avoided is the apocalyptic character of the video-nasties (and, indeed, of many other horror movies that might not be turned down for public viewing, like Friday the 13th). That is to say that these movies are preoccupied with the detailed and prolonged exploration of extreme violence and death. What else could this be for the audience other than a metaphorical exploration of the possibility of real annihilation?⁴³ How else to explain the heavy consumption of these materials in a country like Britain, which so transparently experiences itself as a prime target in any limited nuclear war in Europe?

Attempts to legislate on "pornography" in general may soon encounter the limits of the existing unequal relations of the sexes, but that is not, of course, an argument not to act neither on pornography nor on a politics to reduce sexual inequality. So also attempts to legislate on media "violence" may quickly encounter the facts of militarism, nuclear build-up and East-West tension - but that is no argument against acting against both. The hypocrisy is to act as if the larger contexts and their immediate expressions are not connected.

FOOTNOTES

1. Home Office Report of the Committee on Obscenity and Film Censorship (Chairman: Bernard Williams)
London: HMSO Cmnd. 7772 (November 1979) (Hereinafter 'the Williams Report' or Williams, 1979).

2. The Williams Committee excluded broadcasting from its work on the grounds that it had only recently been subject to review (by the Committee on the future of Broadcasting, chaired by Lord Annan) (Cmnd. 6753, February 1977). However, as the Williams Committee were obviously aware, there is arguably even more public anxiety over the content of some programmes on British television than there is over the control of "obscene publications" or films. The content of television in Britain is not covered by the law of obscenity, but by the legal obligations placed on the Governors of the BBC and the Independent Broadcasting Authority to ensure that their programmes do not "offend against good taste". An addition is currently being legislated in the Cable and Broadcasting Bill, which will regulate the private cable television companies which are due to begin operation in Britain later in the 1980's. A Cable Authority to be established under this Bill will be charged with the creation and enforcement of codes of practice governing sexuality and violence; and ensuring that programmes do not offend good taste and decency. This proposal is not without opposition, from bodies of opinion who believe that the advent of cable in Britain "offers one opportunity to break out of the strait jacket that so restricts existing television output. To impose identical restriction will reduce (the) value (of Cable)". (Editorial: "Something Nasty on the Box" Guardian 30 January 1984).

3. Compare, for example, the searing indictment of "pornographic" magazines and films (very generally and loosely defined) in the essays in Laura Lederer's collection Take Back the Night (1980) or in Kostash (1978) with the attempts to identify an "autonomous" concept of women's sexual pleasure and desire, to be carefully distinguished, as a starting-point, from the puritanism and "patriarchal" definitions of sexuality which seems to inform many new conservative approaches to pornography. (cf. inter alia Brown 1981, Carter 1978 (Preface), Coward 1984, B. Taylor 1981)
4. Cf. a useful discussion of this contradiction from a feminist perspective in Kuhn 1984 a, and also in Ellis 1980.
5. Much of the discussion in the first part of Section 1 derives from the excellent "Appendix 1" in Williams, 1979, supplemented with the extensive and more discursive treatment provided by Robertson 1979.
6. During the summing-up to the jury in the three separate trials, judges used quite different interpretations of the existing law. Secker and Warburg were acquitted whilst in the trial of Heinemann the jury was deadlocked. But the publishing world was shocked by a guilty finding made against Hutchinson (fined a total of 1,000 pounds) and by the sentencing judge's affirmation that it was
 "important...for the youth of this country to be protected, and that the fountain of our national blood should not be polluted at its source".
 (quoted in St. John Stevas, 1956, p. 116)
7. For a careful dissection of the source of the moral panic over prostitution, and other sexual concerns, in mid-1950's England, see Smart (1981).

8. The analysis presented here of the Wolfenden Report and its consequences owes a great deal to the exemplary essay by Stuart Hall (1980).
9. The male sentiments behind this statement are best contrasted, perhaps, with the contemporary public awareness (prompted by the general rise of a women's politics since 1957) of the harassment to which any woman or girl may be subjected to, in areas known for prostitution, by so-called "kerb-crawlers".
10. For discussion of the specific features of the "double taxonomies" operative in each of these areas of reform, see Hall op.cit. pp. 12-21 (to whom is also attributable the notion of "selective privatisation").
11. Perhaps the most (in)famous legal cases arose around the attempts to use the Obscene Publications Act to prosecute the so-called "underground" or "counter-cultural" press. In three years, the editors of the three most important papers of the British underground were arraigned before the Central Criminal Court I.T. in 1970, OZ in 1971 and Nasty Tales in 1973. The Oz trial, in particular, was an important "cultural moment" in Britain: the editors were remanded for "medical evidence" in Wormwood Scrubs (where prison warders shaved off their lengthy hair) before the Court of Appeal squashed the conviction. According to Robertson, this trial provoked more letters to The Times than the Suez Crisis in 1956. (Robertson, 1979, p. 6)
12. For a fascinating account of the Comics Campaign Council, established in 1953 to "discourage the production, sale and distribution of these publications" and their role in the banning of the comics, see Barker 1984a. Inter alia, Barker is

able to show that a primary influence within the C.C.C. was the Communist Party of Great Britain, some of whose leading members were concerned to discourage British youth from an unconscious inculcation of the values of Americanism.

13. This brief account of the development of the National Viewers and Listeners Association is derived in part from Michael Tracey and David Morrison's critical biography of Mrs. Mary Whitehouse (Tracey and Morrison 1977)
14. The Festival of Light had its period of greatest influence in the U.K. in the early 1970's. The festival was an attempt at reproducing an American kind of fundamentalist and popular religion in Britain, thriving on the publicity given to its recruitment of famous individuals (especially from television and cinema) and holding torchlight rallies in defence of "the family" and "traditional Christian values". As was also the case with the NVALA, there was a strong suspicion that the Festival of Light was closely involved with the virulently anti-communist Moral Rearmament Movement (Tracey and Morrison, 1977, pp. 57-69).
15. There were some key silences in the Longford Report. On the discussion of the difficulties involved in obtaining prosecutions under the Obscene Publications Act, for example, no attention was given to the question of police corruption. But in the early 1970's, rumours were rife that the Metropolitan Police was heavily involved in the "protection" of the established sex industry. Three major corruption trials (in 1976-7) were to confirm that senior and junior officers of the Obscene Publications Squad had been given large sums of money and had paid vacations in exchange for pornographers being "licensed to trade" or given advanced notice of raids. (cf. Williams 1979, c. 4.14)

16. By a variety of questionnaire and other enquiries, Kutchinsky had first eliminated changes in public attitudes towards these sexual offenses and changes in police attitude or changing practice as the source of these very significant declines in offence rates.

17. In July 1980, Court was brought to London by the NVALA in order to ask the Home Secretary to disregard the "dishonest" report of the Williams Committee (see "Campaign against 'dishonest' porn report" The Guardian 2 July 1980 and a subsequent supportive editorial in The Sunday Telegraph 6 July 1980). The importance of Court's work lay in its suggestion that pornography might cause a reduction in sex crimes was premature or unjustified. The Sunday Telegraph concluded in good populist style:

"With the experts divided, the public should feel free to make up their own minds...by reference to commonsense. On that basis it is unlikely that much more will be heard about the Williams Report".

18. It is worth noting, however, the problematic assumption made here by the Longford Committee that the mass of the British public would accept its own absolutist dismissal of pornography (as well as its definition of what constitutes pornography in the first place) unless misled by the persuasive tongues of liberal experts. The evidence from a mass of jury trials in the area of obscenity in the 1970s would actually suggest that there was enormous dissensus in popular attitudes to the public display of sexual materials in Britain. Public opinion research conducted by the Sunday Times, at the time of Lord Longford's enquiry, into public attitudes towards the display of sexuality on television, in magazines, newspapers, in films and the theatre, revealed a much lower level of anxiety and/or support for restriction than the Longford Committee would have anticipated. cf. Sunday Times 25 February 1973 (Results reproduced in Crick, 1974, p. 51)

19. For further information, cf. the best overall account of the recent development and current dilemmas of the Women's Movement in Britain, Coote and Campbell 1982.
20. One of the most succinct and insightful critiques on the very conventional (and thereby unhelpful) character of "effects research" on T.V. violence in Britain is by Murdock and McCron (1979), addressing recently published work in this area by the opinion poll expert, Dr. William Belson.
21. For an analysis of the changing genres of cops and robbers series on British television since the 1950's, see Clarke 1980.
22. The last reported actual average sales (as distinct from "readership") of the five magazines (reported to the Audit Bureau of Circulations) in the 1977-8 period were as below:

<u>Club International</u>	UK and Eire	142,923
(Jan-June 1978)	overseas	188,609
<u>Mayfair</u>	UK and Eire	251,140
(Jan-June 1978)	overseas	168,651
<u>Men Only</u>	UK and Eire	201,538
(Jan-June 1978)	overseas	176,094
<u>Penthouse</u>		
(Jan-June 1977)		253,436
<u>Playboy (UK edition)</u>		
(July 1976-June 1977)		64,811

(Williams, 1979, p. 251)

23. The idea of watersheds in pornographic genres derives from the unpublished work of Pratt (1981) some of which will be reproduced in Pratt 1984. According to Pratt, the key watersheds in the U.K. were
- (i) "breaking the silence" - this he dates as the launch of the British edition of Playboy in 1954, two years after the American edition.
 - (ii) the rise of "explicitness". From the early 1960's on, the naked female body was seen in magazines, films and advertising.
 - (iii) "diversification" From about 1966, much more specific kinds of shots of sexuality were seen in cinema and in magazines (Blow Up being the first British film to show pubic hair), male nudity was seen (Women in Love) and discussion of lesbianism emerged (in The Killing of Sister George)
 - (iv) the development of "fantastic" sexual genres. In cinema, from the 1970's, a number of films began to connect sex to horror (in scenes of nude sacrifices, vampires, orgies) whilst others placed sexuality in a specific political or historical context (The Devils, Clockwork Orange). But there were also attempts to develop the old Carry On movies of the 1950's and 1960's into a modern soft pornography, as in the series of Confessions movies (Confessions of a Window Cleaner etc, etc.)
24. In 1978, for example, the London Metropolitan Police seized 1,229,111 "obscene items" as against 35,390 in 1969. (Williams, 1979, p. 264)

25. Evidence gathered by Hugh Hebert, a journalist for the Guardian who has closely followed developments in the sex industry in Britain, suggests that the producers of adult magazines had undertaken a variety of pre-emptive moves in advance of the Indecent Displays Act. In particular, the covers of magazines had been "toned down" over the previous two or three years, and the chairman of the British Adult Publishers Association Ltd. was quoted as saying that:

"The poses are now, to a certain extent, ordinary. What hasn't been cut out are the close-ups, the vaginal shots. They haven't been toned down as much as I expected. But the unnatural shots, the use of vibrators, that's mostly gone."

Sales of adult magazines were thought to be declining, but Hebert observed that this was less likely to be an effect of the toning-down of adult magazines than it was a function of the rise of video. Mr. Bill Edwards, a publisher with Figcrest (an adult magazine company), suggested it was an omen for the future, since "people like pictures that move more than pictures in a magazine." (Hebert 1981)

26. This represented an increase of 75 since 1978 (much of the increase being accounted for by the advent of video establishments). (City of Westminster, General Purposes Committee, 16 November 1982)
27. The Government actually refused the Westminster Council's proposal that local authorities should be able to licence (i.e. control) "nude encounter parlours" and "nude photography studios" on the grounds that this would, in effect, be to license brothels. (Benton, 1982, p. 11)

28. It is worth remarking that the Westminster Council is not unaware of Soho's now "traditional" role as the centre of sexual entertainment. A City Solicitor, City Planning officer, report remarks that

"Soho has been associated with such types of entertainment since the 1930's, and with prostitution for centuries."

However, he continues:

"in recent years, the area has undergone dramatic changes and sex related uses now have an overbearing influence on the character of the area..."

(City of Westminster, General Purposes Committee. Local Government (Miscellaneous Provisions) Act 1982-Licensing of Sex Establishments. Joint Report of the City Solicitor and City Planning officer, p. 7). See also the report "Why Soho is Naughty, but not very Nice" Guardian 20 December 1980.

29. The City of Westminster in 1982 decided that it would exclude sex establishments entirely from seven "residential" areas, three "Conservation Areas" and one other "strongly based residential community". It then set a maximum of the number of licenses it would grant for the four remaining areas of the City, with the vast proportion being designated for Soho. In 1984, the City Solicitor was able to report on the effects of this licensing system within Soho.

Of the 61 establishments which had been "sex shops" prior to the introduction of licenses, on 31 January 1984:

- (i) 6 were licensed sex shops
- (ii) 13 had changed to other sex-industry uses
 - (4 peep shows;
 - 1 sex cinema;
 - 2 booking offices;
 - 5 near beer/topless bars;
 - 1 nude encounter)

(iii) 22 had changed to non-sex industry uses

of the 41 premises which had been other kinds of sex establishments:

- (i) 10 had closed
- (ii) 16 were or had become near beer/topless bars
- (iii) 4 were or had become strip shows
- (iv) 3 were or had become sex cinemas
- (v) 3 were or had become peep shows
- (vi) 2 had been or had become nude encounter studios
- and (vii) 3 had become cinemas outside the sex industry.

(Westminster City Council, Environment Committee 22 March 1984, Planning and Development Committee 27 March: Licensing of Sex-Industry Premises: Progress Report of the City Solicitor p.2).

- 30. No information is available in documents made available by Westminster Council on the effects of the licensing system outside of Soho.
- 31. This power goes far beyond the recommendations made earlier by the British Videogram Association in its proposals for a self-regulatory plan in which the BBFC agreed to assist the BVA in classifying all videos according to the same categories applied to film in the cinema (in Britain 'U', 'PG', 15 or 18). cf. Abbott 1983 and also the Report of the Video Working Party, convened by the BBFC at the request of the BVA (January 1983)
- 32. One of the incidental, but important, anxieties of critics of the Video Recordings Bill is the fear that the fees which will be charged for each examination by the BBFC (400 pounds being the current rate) will bankrupt small production companies. In a personal interview with this researcher, Mr. Norman Abbott of

the BVA pointed out that this measure could be disastrous for the small Asian companies in Britain who produce videotape films in Gujarati and other Asian languages for the consumption of their communities in Britain.

33. At the time of my visit to Britain, the Managing Director of Thorn-EMI Industries was charged before the High Court under the Obscene Publications Act for production of a videocassette of The Burning (a film which has a BBFC certificate).
34. For a sample of the criticisms of the Video Recording Bill, see the journalistic essays by John Mortimer Q.C. (from the centre left), William Deedes, M.P. (from the right) and Derek Malcolm and Geoffrey Robertson in The Guardian, all in 1984. (see Bibliography) For the pure libertarian position, see National Association for the Reform of the Obscene Publications Acts (1984)
35. All these data are reproduced in Parliamentary Group Video Enquiry Vol. 1 (1983), paras. 1.14, 1.15.
36. The claim that VCR use is predominantly middle class is open to challenge: a British Market Research Bureau investigation for 1984 discovered that only 101 of 1,059 people who were interviewed after renting videos were in the higher social class 'A' or 'B'. 260 were social class C1, 406 C2 and 292 'DE' (skilled, semi-skilled and unskilled workers). There is some suspicion that the relatively high ownership of VCR's in the "lower" classes in Britain may result from their purchase from so-called "redundancy payments" (lump sums - usually a year's wages which employers have to give some workers as "compensation" for their loss of job).

37. The narrative presented here of the development of the "video nasties" panic draws heavily on Petley 1984, but I have cross-checked this with the recollections given me by Mr. Norman Abbott in personal interview.
38. Several commentators have, of course, pointed to the contradiction between the strong commitment of Thatcherism to the free market and the freedom of the individual and the heavy-handed authoritarianism displayed in Thatcher's support for State censorship of video. The fervour of Thatcher's commitment is underlined by her unprecedented symbolic move during the Commons debate (when she moved from the Front Bench and sat next to Mr. Bright offering advice and encouragement).
39. For further discussion of the political and methodological problems encountered by the Parliamentary Video Group Enquiry, see Hugo Davenport "Report on Video Nasties is Hit by own Researchers" The Observer 4 December 1983, Maureen O'Connor "A Different Picture Altogether" Guardian 13 December 1983, and Martin Barker 1984c.
- 40 But for an intelligent and slightly sceptical discussion of the differences amongst the back-lash movies, see Wood (1982)
41. It is worth pointing out, however, that the plot of I Spit on Your Grave does represent a departure from the normalised mythology of rape (with its suggestion that women really enjoy being abused, etc.). In this respect, one could argue that I Spit on Your Grave has the serious artistic intention of exploring the residual male fear - namely, that the abused women will violently retaliate.

42. This does seem to me the position adopted by one of the major academic commentators on the video-nasties, Martin Barker. He notes that

"Each campaign against the dangers of a 'new' medium always finds reasons to suppose its object is especially dangerous. In the 19th century, Penny Dreadfuls corrupted because they were the only literature people could afford. In the early 20th century, films had the big screen, plus the 'moral dangers of darkness'.

Comics could be 'pored over' for hours in private. Television is especially bad because it is viewed in the relaxation of one's own home. The videos now carry grave risk because the children can control how they watch. Plus ça change."

(Barker, 1984b, p. 233)

43. This version of the video nasty as a 'signifier' of annihilation is surprisingly absent from many commentaries, including that of Richard Hoggart (erstwhile Director of the Centre for Contemporary Cultural Studies at the University of Birmingham). (Hoggart, 1984) His fears about video nasties are important but maybe more 'conventional'. He claims, first, to have heard of groups of unemployed workers paying 1 pound a time to see obscene and violent videos as a way of filling in time and, without needing to amplify the point, he reflects that:

"the combination of the dull misery of unemployment with the consumption of this kind of cheap-and-very-nasty-stuff is haunting."

Hoggart also thinks that existing research on the effects of violence in the media is inconclusive either way, but that, in particular, the orthodox research is inadequate to answer the key question as to whether repetitive viewing of violence might indeed desensitize viewers to human suffering and human sensibilities generally.

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APPENDICES



Local Government
(Miscellaneous Provisions)
Act 1982

CHAPTER 30

LONDON
HER MAJESTY'S STATIONERY OFFICE
£6.05 net

Local Government (Miscellaneous Provisions) Act 1982

CHAPTER 30

ARRANGEMENT OF SECTIONS

PART I

LICENSING OF PUBLIC ENTERTAINMENTS

Section

1. Licensing of public entertainments.

PART II

CONTROL OF SEX ESTABLISHMENTS

2. Control of sex establishments.

PART III

STREET TRADING

3. Power of district council to adopt Schedule 4.

PART IV

CONTROL OF REFRESHMENT PREMISES

Take-away food shops

4. Closing hours for take-away food shops.
5. Closing orders etc.—procedure and appeals.
6. Contraventions of closing orders.

Late night refreshment houses

7. Refreshments etc. on licensed premises.

PART V

FIRE PRECAUTIONS

Provisions as to consultation

8. Consultation between authorities.

Firemen's switches

9. Application of section 10.
10. Firemen's switches for luminous tube signs.

PART VI

ABOLITION OF REGISTRATION OF THEATRICAL
EMPLOYERS

Section

11. Repeal of Theatrical Employers Registration Acts 1925 and 1928.

PART VII

BYELAWS

12. General provisions relating to byelaws.

PART VIII

ACUPUNCTURE, TATTOOING, EAR-PIERCING
AND ELECTROLYSIS

13. Application of Part VIII.
14. Acupuncture.
15. Tattooing, ear-piercing and electrolysis.
16. Provisions supplementary to ss. 14 and 15.
17. Power to enter premises (acupuncture etc.).

PART IX

SALE OF FOOD BY HAWKERS

18. Application of section 19.
19. Registration of hawkers of food and premises.

PART X

HIGHWAYS

20. Highway amenities.
21. Prosecution for offences relating to works in street.
22. Control of construction under streets.
23. Control of road-side sales.

PART XI

PUBLIC HEALTH, ETC.

24. Paving of yards and passages.
25. Building regulations.
26. Statutory nuisances.
27. Powers to repair drains etc. and to remedy stopped-up drains etc.
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- Schedule 3—Control of sex establishments.
- Schedule 4—Street trading.
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 - Part I—Addition of Part VIIA to Highways Act 1980.
 - Part II—Amendments of Town and Country Planning Act 1971.
- Schedule 6—Minor amendments.
- Schedule 7—Repeals.
 - Part I—Repeals in Public General Acts in consequence of section 1.

- Part II—Repeals in Local Acts in consequence of section 1.
- Part III—Repeal in Local Act in consequence of section 8.
- Part IV—Repeals in Public General Acts in consequence of section 11.
- Part V—Repeals in Local Acts in consequence of section 12.
- Part VI—Repeals in Local Acts in consequence of section 20.
- Part VII—Repeals in Local Acts in consequence of section 22.
- Part VIII—Repeals in Local Acts in consequence of section 24.
- Part IX—Repeals in Local Acts in consequence of section 26.
- Part X—Repeals in Local Acts in consequence of section 27.
- Part XI—Repeals in Local Acts in consequence of section 28.
- Part XII—Repeals in Local Acts in consequence of section 33.
- Part XIII—Repeals in Local Acts in consequence of section 34.
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- Part XV—Repeals in Local Acts in consequence of section 39.
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ELIZABETH II



Local Government (Miscellaneous Provisions) Act 1982

1982 CHAPTER 30

An Act to make amendments for England and Wales of provisions of that part of the law relating to local authorities or highways which is commonly amended by local Acts; to make provision for the control of sex establishments; to make further provision for the control of refreshment premises and for consultation between local authorities in England and Wales and fire authorities with regard to fire precautions for buildings and caravan sites; to repeal the Theatrical Employers Registration Acts 1925 and 1928; to make further provision as to the enforcement of section 8 of the Public Utilities Street Works Act 1950 and sections 171 and 174 of the Highways Act 1980; to make provision in connection with the computerisation of local land charges registers; to make further provision in connection with the acquisition of land and rights over land by boards constituted in pursuance of section 1 of the Town and Country Planning Act 1971 or reconstituted in pursuance of Schedule 17 to the Local Government Act 1972; to exclude from the definition of "construction or maintenance work" in section 20 of the Local Government, Planning and Land Act 1980 work undertaken by local authorities and development bodies pursuant to certain agreements with the Manpower Services Commission which specify the work to be undertaken and under which the

Commission agrees to pay the whole or part of the cost of the work so specified; to define "year" for the purposes of Part III of the said Act of 1980; to amend section 140 of the Local Government Act 1972 and to provide for the insurance by local authorities of persons voluntarily assisting probation committees; to make provision for controlling nuisance and disturbance on educational premises; to amend section 137 of the Local Government Act 1972; to make further provision as to arrangements made by local authorities under the Employment and Training Act 1973; to extend the duration of certain powers to assist industry or employment conferred by local Acts; to make corrections and minor improvements in certain enactments relating to the local administration of health and planning functions; and for connected purposes.

[13th July 1982]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

LICENSING OF PUBLIC ENTERTAINMENTS

Licensing of
public
entertainments.

1.—(1) Subject to subsection (2) below, Schedule 1 to this Act shall have effect with respect to the licensing outside Greater London of the public entertainments referred to in that Schedule.

(2) Paragraphs 3 and 4 of the Schedule shall not have effect in the area of a local authority unless the authority so resolve.

(3) If a local authority do so resolve, those paragraphs shall come into force in their area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

(4) A local authority shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.

(5) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the paragraphs in the local authority's area.

(6) The notice shall state the general effect of the paragraphs.

(7) The enactments specified in Schedule 2 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on subsections (1) to (6) above. PART I

(8) In Schedule 12 to the London Government Act 1963— 1963 c. 33.

(a) in paragraph 10(3) (penalties for offences relating to entertainments held without licences or contravening licences) for “five hundred pounds” there shall be substituted “£1,000”; and

(b) in paragraph 12(3) (penalty for refusal to permit entry to or inspection of premises) for “twenty pounds” there shall be substituted “£200”.

(9) Subsection (8) above has effect only in relation to offences committed after 1st January 1983.

(10) So much of any local enactment passed before 1974 as relates to the regulation by means of licensing of public entertainments of any description referred to in Schedule 1 to this Act shall cease to have effect.

(11) In this section “local authority” means—

(a) the council of a district; and

(b) the Council of the Isles of Scilly.

(12) This section shall come into force on 1st January 1983.

PART II

CONTROL OF SEX ESTABLISHMENTS

2.—(1) A local authority may resolve that Schedule 3 to this Act is to apply to their area; and if a local authority do so resolve, that Schedule shall come into force in their area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed). Control of sex establishments.

(2) A local authority shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.

(3) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of Schedule 3 to this Act in the local authority's area.

(4) The notice shall state the general effect of that Schedule.

(5) In this Part of this Act “local authority” means—

(a) the council of a district;

(b) the council of a London borough; and

(c) the Common Council of the City of London.

PART III

STREET TRADING

Power of
district
council to
adopt
Schedule 4.

3. A district council may resolve that Schedule 4 to this Act shall apply to their district and, if a council so resolve, that Schedule shall come into force in their district on such day as may be specified in the resolution.

PART IV

CONTROL OF REFRESHMENT PREMISES

Take-away food shops

Closing hours
for take-away
food shops.

4.—(1) A district council may make an order under this subsection (in this Part of this Act referred to as a “closing order”) with respect to any premises in their district where meals or refreshments are supplied for consumption off the premises, other than—

1969 c. 53.

(a) any premises that are a late night refreshment house, as defined in section 1 of the Late Night Refreshment Houses Act 1969; and

(b) any premises that are exempt licensed premises as defined in that section,

if they are satisfied that it is desirable to make such an order to prevent residents in the neighbourhood of the premises being unreasonably disturbed either by persons resorting to the premises or by the use of the premises for the supply of meals or refreshments.

(2) A closing order shall be an order specifying individual premises and prohibiting the use of the premises for the supply of meals and refreshments to the public between such hours as may be specified in the order.

(3) The hours specified in a closing order shall commence not earlier than midnight and finish not later than 5 o'clock in the morning.

(4) A closing order may prohibit the use of the premises to which it relates for the supply of meals and refreshments to the public between different hours on different days of the week.

(5) A district council may vary a closing order by an order under this subsection (in this Part of this Act referred to as a “variation order”).

(6) A district council may revoke a closing order by an order under this subsection (in this Part of this Act referred to as a “revocation order”).

PART IV

(7) A variation order or a revocation order may be made on the written application of the keeper of the premises to which the closing order relates, or without such an application.

(8) Subject to subsection (9) below, a closing order shall cease to have effect 3 years from the date on which it was made, but without prejudice to the power of the district council to make a further closing order.

(9) Subsection (8) above shall have effect in relation to a closing order which has been varied as if the reference to the date on which it was made were a reference to the date on which it was last varied.

(10) In this Part of this Act "the keeper", in relation to any premises, means the person having the conduct or management of the premises.

(11) Until section 7(1) and (2) below come into force this section shall have effect as if the following paragraph were substituted for subsection (1)(b) above—

"(b) a house, room, shop or building which is licensed for the sale of beer, cider, wine or spirits,".

5.—(1) A district council shall take all relevant circumstances into consideration when determining whether to make—

Closing
orders etc.—
procedure
and appeals.

(a) a closing order ; or

(b) a variation order which varies a closing order or a previous variation order by specifying—

(i) an hour later than that specified in the order which it varies as the hour at which the use of the premises for the supply of meals and refreshments to the public may begin ; or

(ii) an hour earlier than that so specified as the hour at which their use for that purpose is to end,

but a council may not make a closing order or such a variation order unless residents in the neighbourhood of the premises to which the order, if made, would relate have complained of disturbance such as is mentioned in section 4(1) above.

(2) If a district council propose—

(a) to make a closing order ; or

(b) to make such a variation order as is mentioned in subsection (1)(b) above,

they shall first serve a notice in accordance with subsections (12) to (15) below—

(i) giving their reasons for seeking to make the order ; and

(ii) stating that within 28 days of service of the notice the

PART IV

keeper of the premises to which the order, if made, would relate may in writing require them to give him an opportunity to make representations to them concerning the matter.

(3) Where a notice has been served under subsection (2) above, the district council shall not determine the matter until either—

(a) the keeper has made representations to them concerning it ; or

(b) the period during which he could have required them to give him an opportunity to make representations has elapsed without his requiring them to give him such an opportunity ; or

(c) the conditions specified in subsection (4) below are satisfied.

(4) The conditions mentioned in subsection (3) above are—

(a) that the keeper has required the district council to give him an opportunity to make representations to them ;

(b) that the council have allowed him a reasonable period for making his representations ; and

(c) that he has failed to make them within that period.

(5) Representations may be made, at the keeper's option, either in writing or orally.

(6) If the keeper informs the council that he desires to make oral representations, they shall give him an opportunity of appearing before and of being heard by a committee or sub-committee of the council.

(7) The council shall not reveal to the keeper the name or address of any person who has made a complaint concerning the premises, unless they have first obtained the consent of the person who made the complaint.

(8) Where the keeper of any premises has applied for a variation order or a revocation order, the council shall be deemed to have refused the application if they fail to determine the matter within 8 weeks from the date on which the application was made.

(9) When a council make an order under section 4 above, they shall serve a copy in accordance with subsections (12) to (15) below.

(10) A closing order and any such variation order as is mentioned in subsection (1)(b) above shall come into force 21 days after the date of service.

(11) A variation order other than a variation order such as is mentioned in subsection (1)(b) above and a revocation order shall come into force on such date as may be specified in it.

PART IV

(12) Any document required to be served under this section shall be served on the keeper of the premises to which it relates and, subject to subsection (13) below, may be served on him by post.

(13) Service of any such document by post may only be effected by sending it in a pre-paid registered letter or by the recorded delivery service.

(14) For the purposes of service any such document may be addressed to the keeper at the premises to which it relates.

(15) The keeper may be addressed either by name or by the description of "the keeper" of the premises (describing them).

(16) An appeal—

(a) against a closing order or a variation order ; or

(b) against a refusal by the district council to make a variation order or a revocation order,

may be brought to a magistrates' court by the keeper of the premises to which the order relates or would relate.

(17) No appeal against an order may be brought after it has come into force, and if an appeal is brought against an order, the order shall not come into force until the appeal has been determined or abandoned.

(18) No appeal against a refusal to make a variation order or a revocation order may be brought after the expiry of the period of 21 days from the date on which the keeper was notified of the refusal.

(19) An appeal against a decision of a magistrates' court under this section may be brought to the Crown Court.

(20) On an appeal to the magistrates' court or the Crown Court under this section relating to any premises the court may confirm an order relating to the premises made under section 4 above or set it aside or give directions to the district council as to the making of such an order relating to the premises.

(21) Subject to subsection (22) below, it shall be the duty of the district council to comply with any directions under subsection (20) above.

(22) The district council need not comply with any directions given by the magistrates' court if they bring an appeal against the decision of the magistrates' court to the Crown Court under subsection (19) above within 21 days of the date of the decision.

6.—(1) In the event of a contravention of any of the provisions of a closing order, whether as originally made or as varied by a variation order, the keeper of the premises to which the order relates shall be guilty of an offence.

Contraven-
tions of
closing orders.

PART IV

(2) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence by himself or by any person under his control.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £500.

(4) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

Late night refreshment houses

Refreshments
etc. on
licensed
premises.
1969 c. 53.

7.—(1) In section 1 of the Late Night Refreshment Houses Act 1969 (meaning of “late night refreshment house”) for the words from “a house”, in the second place where those words occur, to the end of the section there shall be substituted the words “exempt licensed premises”.

(2) The said section 1, as amended by subsection (1) above, shall be renumbered so as to become section 1(1) of the said Act; and at the end of the resulting subsection (1) there shall be added as subsections (2) and (3)—

“(2) In subsection (1) above “exempt licensed premises” means a house, room, shop or building which—

- (i) is licensed for the sale of beer, cider, wine or spirits; and
- (ii) is not kept open for public refreshment, resort and entertainment at any time between normal evening closing time and 5 o'clock of the following morning.

(3) In subsection (2) above “normal evening closing time” means—

- (a) in relation to premises with permitted hours in the evening, a time thirty minutes after the end of those hours; and
- (b) in relation to premises without permitted hours in the evening, 10 o'clock at night;

and in this subsection “permitted hours” means the hours specified in section 60 of the Licensing Act 1964 as modified by any other provision of that Act.”.

1964 c. 26.

(3) Subsections (1) and (2) above shall come into force at the expiration of the period of three months beginning with the date on which this Act is passed.

PART IV

(4) Nothing in this section affects premises in Greater London.

PART V

FIRE PRECAUTIONS

Provisions as to consultation

8.—(1) In the Public Health Act 1936—

Consultation
between
authorities
1936 c. 49.

(a) in section 59 (exits, entrances &c, in the case of certain public and other buildings)—

(i) in subsections (1) and (2), the words “, after consultation with the fire authority, deem satisfactory, regard being had ” shall be substituted for the words “ deem satisfactory, regard being had by them ” ; and

(ii) in subsection (4), after the word “ authority ” there shall be inserted the words “ after consultation with the fire authority,” ;

(b) in subsection (1) of section 60 (means of escape from fire in the case of certain high buildings) after the word “ authority ”—

(i) in the first place where it occurs, there shall be inserted the words “, after consultation with the fire authority,” ; and

(ii) in the second place where it occurs, there shall be inserted the words “, after such consultation ” ; and

(c) in section 343 (interpretation) the following definition shall be inserted after the definition of “ factory ”—

“ “ fire authority ” has the meaning assigned to it by section 43(1) of the Fire Precautions Act 1971.” 1971 c. 40.

(2) In the Caravan Sites and Control of Development Act 1960 c. 62. 1960—

(a) the following subsections shall be inserted after subsection (3) of section 5 (power of local authority to attach conditions to site licences)—

“ (3A) The local authority shall consult the fire authority as to the extent to which any model standards relating to fire precautions which have been specified under subsection (6) of this section are appropriate to the land.

(3B) If—

(a) no such standards have been specified ; or

PART V

- (b) any standard that has been specified appears to the fire authority to be inappropriate to the land,
the local authority shall consult the fire authority as to what conditions relating to fire precautions ought to be attached to the site licence instead.”;
- (b) the following subsections shall be added after subsection (6) of that section—
- “ (7) The duty imposed on a local authority by subsection (6) of this section to have regard to standards specified under that subsection is to be construed, as regards standards relating to fire precautions which are so specified, as a duty to have regard to them subject to any advice given by the fire authority under subsection (3A) or (3B) of this section.
- (8) In this section “ fire precautions ” means precautions to be taken for any of the purposes specified in paragraph (e) of subsection (1) of this section for which conditions may be imposed by virtue of that subsection.”;
- (c) the following subsection shall be added at the end of section 8 (powers of local authority to alter conditions attached to site licences)—
- “ (5) The local authority shall consult the fire authority before exercising the powers conferred upon them by subsection (1) of this section in relation to a condition attached to a site licence for the purposes set out in section 5(1)(e) of this Act.”;
- (d) the following subsection shall be inserted after subsection (2) of section 24 (power of local authorities to provide sites for caravans)—
- “ (2A) Before exercising the power to provide a site conferred on them by subsection (1) of this section the local authority shall consult the fire authority, if they are not themselves the fire authority,—
- (a) as to measures to be taken for preventing and detecting the outbreak of fire on the site ; and
- (b) as to the provision and maintenance of means of fighting fire on it.” ; and
- (e) the following definition shall be inserted in section 29 (interpretation of Part I) after the definition of “ existing site ”—
- “ “ fire authority ”, in relation to any land, means the authority discharging in the area in which the

land is situated the functions of fire authority under the Fire Services Act 1947 ; ”.

PART V
1947 c. 41.

Firemen's switches

9.—(1) A fire authority may resolve that section 10 below is Application to apply to their area ; and if a fire authority do so resolve, of section 10. that section shall come into force in their area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of 42 days beginning with the day on which the resolution is passed).

(2) A fire authority shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.

(3) Any such notice shall state the general effect of section 10 below.

(4) In this section and section 10 below “ fire authority ” means an authority discharging the functions of fire authority under the Fire Services Act 1947.

10.—(1) This section applies to apparatus consisting of luminous tube signs designed to work at a voltage normally exceeding 650 volts, or other equipment so designed, and references in this section to a cut-off switch are, in a case where a transformer is provided to raise the voltage to operate the apparatus, references to a cut-off switch on the low-voltage side of the transformer.

Firemen's
switches for
luminous
tube signs.

(2) No apparatus to which this section applies shall be installed unless it is provided with a cut-off switch.

(3) Subject to subsection (4) below, the cut-off switch shall be so placed, and coloured or marked, as to satisfy such reasonable requirements as the fire authority may impose to secure that it shall be readily recognisable by and accessible to firemen.

(4) If a cut-off switch complies in position, colour and marking with the current regulations of the Institution of Electrical Engineers for a firemen's emergency switch, the fire authority may not impose any further requirements in respect of it under subsection (3) above.

(5) Not less than 42 days before work is begun to install apparatus to which this section applies, the owner or occupier of the premises where the apparatus is to be installed shall give notice to the fire authority showing where the cut-off switch is to be placed and how it is to be coloured or marked.

(6) Where notice has been given to the fire authority as required by subsection (5) above, the proposed position, colouring or marking of the switch shall be deemed to satisfy the require-

PART V

ments of the fire authority unless, within 21 days from the date of the service of the notice, the fire authority have served on the owner or occupier a counter-notice stating that their requirements are not satisfied.

(7) Where apparatus to which this section applies has been installed in premises before the day specified in a resolution under section 9(1) above as the day on which this section is to come into force in the area in which the premises are situated, the owner or occupier of the premises shall, not more than 21 days after that day, give notice to the fire authority stating whether the apparatus is already provided with a cut-off switch and, if so, where the switch is placed and how it is coloured or marked.

(8) Subject to subsection (9) below, where apparatus to which this section applies has been installed in premises before the day specified in a resolution under section 9(1) above as the day on which this section is to come into force in the area in which the premises are situated, the fire authority may serve on the owner or occupier of the premises a notice—

(a) in the case of apparatus already provided with a cut-off switch, stating that they are not satisfied with the position, colouring or marking of the switch and requiring him, within such period as may be specified in the notice, to take such steps as will secure that the switch will be so placed and coloured or marked as to be readily recognisable by, and accessible to, firemen in accordance with the reasonable requirements of the fire authority; or

(b) in the case of apparatus not already provided with a cut-off switch, requiring him, within such period as may be specified in the notice, to provide such a cut-off switch in such a position and so coloured or marked as to be readily recognisable by, and accessible to, firemen in accordance with the reasonable requirements of the fire authority.

(9) If a cut-off switch complies in position, colour and marking with the current regulations of the Institution of Electrical Engineers for a firemen's emergency switch, the fire authority may not serve a notice in respect of it under subsection (8) above.

1936 c. 49.

(10) Section 290 of the Public Health Act 1936 shall apply to notices given by a fire authority under this section as it applies to the notices mentioned in subsection (1) of that section as if the references in that section to a local authority included references to a fire authority.

(11) This section shall not apply to apparatus installed or proposed to be installed on or in premises in respect of which

a licence under the Cinematograph Acts 1909 and 1952 is for the time being in force.

PART V

(12) The following persons, namely—

- (a) any owner and any occupier of premises where apparatus to which this section applies is installed who without reasonable excuse fails to ensure that it complies with subsection (2) above;
- (b) any owner and any occupier of premises who without reasonable excuse fails to comply with subsection (3) above;

shall each be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(13) In proceedings for an offence under subsection (12) above, it shall be a defence for either the owner or the occupier to show that it would have been equitable for the prosecution to be brought only against the other.

(14) A person charged shall not be entitled to rely on the defence set out in subsection (13) above unless within a period ending 7 clear days before the hearing he has served on the prosecutor notice in writing of his intention so to do.

(15) Any person who without reasonable excuse fails to give a notice required by subsection (5) or (7) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 unless he establishes that some other person duly gave the notice in question.

(16) Any owner or occupier of premises who without reasonable excuse fails to comply with a notice served on him under subsection (8) above within the period specified in it for compliance with it shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200 and to a daily fine not exceeding £20.

(17) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

PART VI

ABOLITION OF REGISTRATION OF THEATRICAL EMPLOYERS

11.—(1) The Theatrical Employers Registration Acts 1925 and 1928 (which require theatrical employers to be registered with certain local authorities) shall cease to have effect.

(2) This section extends to Scotland.

Repeal of
Theatrical
Employers
Registration
Acts 1925 and
1928.

PART VII

BYELAWS

General provisions relating to byelaws.

1936 c. 49.

1875 c. 55.

12.—(1) Notwithstanding anything in section 298 of the Public Health Act 1936 or section 253 of the Public Health Act 1875 or any other enactment, a constable may take proceedings in respect of an offence against a byelaw made by a relevant local authority under any enactment without the consent of the Attorney General.

(2) In subsection (1) above “relevant local authority” means—

1972 c. 70.

(a) a local authority, as defined in section 270 of the Local Government Act 1972; and

(b) any body that was the predecessor of a local authority as so defined.

(3) It is immaterial for the purposes of this section that a byelaw was made after the passing of this Act.

PART VIII

ACUPUNCTURE, TATTOOING, EAR-PIERCING AND ELECTROLYSIS

Application of Part VIII.

13.—(1) The provisions of this Part of this Act, except this section, shall come into force in accordance with the following provisions of this section.

(2) A local authority may resolve that the provisions of this Part of this Act which are mentioned in paragraph (a), (b) or (c) of subsection (3) below are to apply to their area; and if a local authority do so resolve, the provisions specified in the resolution shall come into force in their area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

(3) The provisions that may be specified in a resolution under subsection (2) above are—

(a) sections 14, 16 and 17 below; or

(b) sections 15 to 17 below; or

(c) sections 14 to 17 below.

(4) A resolution which provides that section 15 below is to apply to the area of a local authority need not provide that it shall apply to all the descriptions of persons specified in subsection (1) of that section; and if such a resolution does not provide that section 15 below is to apply to persons of all of those descriptions, the reference in subsection (2) above to the coming into force of provisions specified in the resolution shall be construed, in its application to section 15 below, and to

section 16 below so far as it has effect for the purposes of section 15 below, as a reference to the coming into force of those sections only in relation to persons of the description or descriptions specified in the resolution.

PART VIII

(5) If a resolution provides for the coming into force of section 15 below in relation to persons of more than one of the descriptions specified in subsection (1) of that section, it may provide that that section, and section 16 below so far as it has effect for the purposes of that section, shall come into force on different days in relation to persons of each of the descriptions specified in the resolution.

(6) A local authority shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.

(7) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the provisions specified in it in the local authority's area.

(8) The notice shall state which provisions are to come into force in that area.

(9) The notice shall also—

- (a) if the resolution provides for the coming into force of section 14 below, explain that that section applies to persons carrying on the practice of acupuncture ; and
- (b) if it provides for the coming into force of section 15 below, specify the descriptions of persons in relation to whom that section is to come into force.

(10) Any such notice shall state the general effect, in relation to persons to whom the provisions specified in the resolution will apply, of the coming into force of those provisions.

(11) In this Part of this Act “ local authority ” means—

- (a) the council of a district ;
- (b) the council of a London borough ; and
- (c) the Common Council of the City of London.

14.—(1) A person shall not in any area in which this section is in force carry on the practice of acupuncture unless he is registered by the local authority for the area under this section.

(2) A person shall only carry on the practice of acupuncture in any area in which this section is in force in premises registered by the local authority for the area under this section ; but a person who is registered under this section does not contravene this

PART VIII subsection merely because he sometimes visits people to give them treatment at their request.

(3) Subject to section 16(8)(b) below, on application for registration under this section a local authority shall register the applicant and the premises where he desires to practise and shall issue to the applicant a certificate of registration.

(4) An application for registration under this section shall be accompanied by such particulars as the local authority may reasonably require.

(5) The particulars that the local authority may require include, without prejudice to the generality of subsection (4) above,—

(a) particulars as to the premises where the applicant desires to practise ; and

(b) particulars of any conviction of the applicant under section 16 below,

but do not include information about individual people to whom the applicant has given treatment.

(6) A local authority may charge such reasonable fees as they may determine for registration under this section.

(7) A local authority may make byelaws for the purpose of securing—

(a) the cleanliness of premises registered under this section and fittings in such premises ;

(b) the cleanliness of persons so registered and persons assisting persons so registered in their practice ;

(c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with the practice of acupuncture.

(8) Nothing in this section shall extend to the practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner or a dentist or to premises on which the practice of acupuncture is carried on by or under the supervision of such a person.

Tattooing,
ear-piercing
and
electrolysis.

15.—(1) A person shall not in any area in which this section is in force carry on the business—

(a) of tattooing ;

(b) of ear-piercing ; or

(c) of electrolysis,

unless he is registered by the local authority for the area under this section.

PART VIII

(2) A person shall only carry on a business mentioned in subsection (1) above in any area in which this section is in force in premises registered under this section for the carrying on of that business ; but a person who carries on the business of tattooing, ear-piercing or electrolysis and is registered under this section as carrying on that business does not contravene this subsection merely because he sometimes visits people at their request to tattoo them or, as the case may be, to pierce their ears or give them electrolysis.

(3) Subject to section 16(8)(b) below, on application for registration under this section a local authority shall register the applicant and the premises where he desires to carry on his business and shall issue to the applicant a certificate of registration.

(4) An application for registration under this section shall be accompanied by such particulars as the local authority may reasonably require.

(5) The particulars that the local authority may require include, without prejudice to the generality of subsection (4) above,—

- (a) particulars as to the premises where the applicant desires to carry on his business ; and
- (b) particulars of any conviction of the applicant under section 16 below,

but do not include information about individual people whom the applicant has tattooed or given electrolysis or whose ears he has pierced.

(6) A local authority may charge such reasonable fees as they may determine for registration under this section.

(7) A local authority may make byelaws for the purposes of securing—

- (a) the cleanliness of premises registered under this section and fittings in such premises ;
- (b) the cleanliness of persons so registered and persons assisting persons so registered in the business in respect of which they are registered ;
- (c) the cleansing and, so far as is appropriate, the sterilisation of instruments, materials and equipment used in connection with a business in respect of which a person is registered under this section.

(8) Nothing in this section shall extend to the carrying on of a business such as is mentioned in subsection (1) above by or under the supervision of a person who is registered as a medical practitioner or to premises on which any such business is carried on by or under the supervision of such a person.

PART VIII
Provisions
supplementary
to ss. 14
and 15.

16.—(1) Any person who contravenes—

(a) section 14(1) or (2) above ; or

(b) section 15(1) or (2) above,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(2) Any person who contravenes a byelaw made—

(a) under section 14(7) above ; or

(b) under section 15(7) above,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) If a person registered under section 14 above is found guilty of an offence under subsection (2)(a) above, the court, instead of or in addition to imposing a fine under subsection (2) above, may order the suspension or cancellation of his registration.

(4) If a person registered under section 15 above is found guilty of an offence under subsection (2)(b) above, the court, instead of or in addition to imposing a fine under subsection (2) above, may order the suspension or cancellation of his registration.

(5) A court which orders the suspension or cancellation of a registration by virtue of subsection (3) or (4) above may also order the suspension or cancellation of any registration under section 14 or, as the case may be, 15 above of the premises in which the offence was committed, if they are occupied by the person found guilty of the offence.

(6) Subject to subsection (7) below, a court ordering the suspension or cancellation of registration by virtue of subsection (3) or (4) above may suspend the operation of the order until the expiration of the period prescribed by Crown Court Rules for giving notice of appeal to the Crown Court.

(7) If notice of appeal is given within the period so prescribed, an order under subsection (3) or (4) above shall be suspended until the appeal is finally determined or abandoned.

(8) Where the registration of any person under section 14 or 15 above is cancelled by order of the court under this section—

(a) he shall within 7 days deliver up to the local authority the cancelled certificate of registration, and, if he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and thereafter to a daily fine not exceeding £5 ; and

(b) he shall not again be registered by the local authority under section 14 or, as the case may be, 15 above except with the consent of the magistrates' court which convicted him.

(9) A person registered under this Part of this Act shall keep a copy— PART VIII

(a) of any certificate of registration issued to him under this Part of this Act ; and

(b) of any byelaws under this Part of this Act relating to the practice or business in respect of which he is so registered,

prominently displayed at the place where he carries on that practice or business.

(10) A person who contravenes subsection (9) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(11) It shall be a defence for a person charged with an offence under subsection (1), (2), (8) or (10) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(12) Nothing in this Part of this Act applies to anything done to an animal.

17.—(1) Subject to subsection (2) below, an authorised officer of a local authority may enter any premises in the authority's area if he has reason to suspect that an offence under section 16 above is being committed there. Power to enter premises (acupuncture etc.).

(2) The power conferred by this section may be exercised by an authorised officer of a local authority only if he has been granted a warrant by a justice of the peace.

(3) A justice may grant a warrant under this section only if he is satisfied—

(a) that admission to any premises has been refused, or that refusal is apprehended, or that the case is one of urgency, or that an application for admission would defeat the object of the entry ; and

(b) that there is reasonable ground for entry under this section.

(4) A warrant shall not be granted unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the case is one of urgency, or that the giving of such notice would defeat the object of the entry.

(5) A warrant shall continue in force—

(a) for seven days ; or

(b) until the power conferred by this section has been exercised in accordance with the warrant,

whichever period is the shorter.

PART VIII

(6) Where an authorised officer of a local authority exercises the power conferred by this section, he shall produce his authority if required to do so by the occupier of the premises.

(7) Any person who without reasonable excuse refuses to permit an authorised officer of a local authority to exercise the power conferred by this section shall be guilty of an offence and shall for every such refusal be liable on summary conviction to a fine not exceeding £200.

PART IX

SALE OF FOOD BY HAWKERS

Application
of section 19.

18.—(1) A local authority may resolve that section 19 below is to apply to their area; and if a local authority do so resolve, that section shall come into force in their area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

(2) A local authority shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.

(3) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of section 19 below in the local authority's area.

(4) The notice shall state the general effect of that section.

1955 c. 16
(4 & 5 Eliz. 2).

(5) In this Part of this Act "local authority" has the meaning assigned to it by section 85 of the Food and Drugs Act 1955.

Registration
of hawkers
of food and
premises.

19.—(1) Subject to subsection (11) below, in any area in which this section is in force—

(a) no person shall hawk food unless he is registered by the local authority for the area under this section; and

(b) no premises shall be used as storage accommodation for any food intended for hawking unless the premises are so registered.

(2) For the purposes of this section a person hawks food if for private gain—

(a) he goes from place to place selling food or offering or exposing food for sale; or

(b) he sells food in the open air or offers or exposes food for sale in the open air,

unless he does so as part of, or as an activity ancillary to, a trade or business carried on by him or some other person on identifiable property.

(3) Subsection (1) above applies to a person who hawks food as an assistant to a person registered under this section unless—

- (a) he is normally supervised when so doing ; or
- (b) he assists only as a temporary replacement.

(4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(5) It shall be a defence for a person charged with an offence under subsection (4) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(6) An application for registration under this section shall be accompanied by such particulars as the local authority may reasonably require.

(7) The particulars that the local authority may require include, without prejudice to the generality of subsection (6) above, particulars as to any vehicle to be used by the applicant in connection with food hawking.

(8) A local authority may charge such reasonable fees as they may determine for registration under this section.

(9) An application for premises to be registered under this section shall be made by the person intending to use them as storage accommodation.

(10) On application for registration under this section the local authority shall register the applicant and, if the application is for the registration of premises, those premises, and shall issue to the applicant a certificate of registration.

(11) This section shall not apply—

(a) to the sale or offer or exposure for sale of food—

(i) at a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order ;

(ii) at a notified temporary market ; or

(iii) at a notified pleasure fair ; or

(b) to the sale or offer or exposure for sale of food in or from premises exempt from registration by section 16(3A) of the Food and Drugs Act 1955 or of food prepared or manufactured on such premises ; or

1955 c. 16
(4 & 5 Eliz. 2).

(c) to the sale or offer or exposure for sale of food by way of street trading at any place in the area of a local authority by a person whom the local authority

PART IX

have authorised under any enactment to engage in such trading in their area (whether or not they have authorised him to trade at the place where the food was sold or offered or exposed for sale) or by a person acting as an assistant to a person so authorised; or

(d) to premises used as storage accommodation for food prepared for sale as mentioned in paragraphs (a) to (c) above; or

(e) to the sale or offer or exposure for sale of food in containers of such materials and so closed as to exclude all risks of contamination.

(12) In this section—

“food” means food and ingredients of food for human consumption, including—

(a) drink (other than water);

(b) chewing gum and like products,

but does not include—

(i) milk and cream;

(ii) live animals or birds;

(iii) articles or substances used only as drugs;

1961 c. 64. “notified pleasure fair” means a pleasure fair, as defined in subsection (2)(a) of section 75 of the Public Health Act 1961, notice of which has been given to the local authority in accordance with byelaws under that section;

“notified temporary market” means a temporary market notice of which has been given to the local authority in accordance with section 37(2) below or any other enactment regulating such markets.

PART X

HIGHWAYS

Highway
amenities.

20. The enactments specified in Schedule 5 to this Act shall have effect subject to the amendments there specified, being amendments concerning amenities for certain highways.

Prosecutions
for offences,
relating to
works in
street.

1950 c. 39.

21.—(1) In section 30 of the Public Utilities Street Works Act 1950 (enforcement)—

(a) in subsection (2), for the words “Proceedings for the enforcement of” there shall be substituted the words “Subject to subsection (2A) of this section, proceedings for an offence under”; and

- (b) the following subsection shall be inserted after that subsection— PART X

“(2A) A constable may take proceedings for an offence under section 8 of this Act without the consent of the Attorney General.”.

(2) In section 312 of the Highways Act 1980 (restriction on 1980 c. 66. institution of proceedings)—

- (a) in subsection (1), for the word “Proceedings” there shall be substituted the words “Subject to subsection (3) below, proceedings”; and

- (b) the following subsection shall be inserted after subsection (2)—

“(3) A constable may take proceedings—

- (a) for an offence under paragraph (b) of section 171(6) above; or

- (b) for an offence under paragraph (c) of that subsection consisting of failure to perform a duty imposed by section 171(5)(a) above; or

- (c) for an offence under section 174 above, without the consent of the Attorney General.”.

22.—(1) The following paragraph shall be substituted for the first paragraph of subsection (1) of section 179 of the Highways Act 1980 (by virtue of which no person may construct a vault, arch or cellar under any street in Greater London or the carriage-way of any street outside Greater London without the consent of the appropriate authority)— Control of construction under streets.

“No person shall construct works to which this section applies under any part of a street without the consent of the appropriate authority, and the authority may by notice served on a person who has constructed such works in contravention of this section require him to remove them, or to alter or deal with them in such a manner as may be specified in the notice.”.

(2) The words “works to which this section applies” shall be substituted for the words “a vault, arch or cellar” where occurring in subsections (3) and (4) of that section.

(3) The following subsections shall be substituted for subsection (5) of that section—

“(5) As soon as may be after an authority consent to the construction of works to which this section applies under a street they shall give notice of their consent to

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any public utility undertakers having any apparatus under the street.

(6) Subject to subsection (7) below, the works to which this section applies are—

(a) any part of a building ; and

(b) without prejudice to the generality of paragraph (a) above, a vault, arch or cellar, whether forming part of a building or not.

1950 c. 39.

(7) This section does not apply to code-regulated works, as defined in section 1(5) of the Public Utilities Street Works Act 1950.”

Control of
road-side sales.
1980 c. 66.

23. The following section shall be inserted after section 147 of the Highways Act 1980—

“ Road-side
sales.

147A.—(1) Subject to subsection (4) below, no person shall, for the purpose of selling anything, or offering or exposing anything for sale, use any stall or similar structure or any container or vehicle, kept or placed on—

(a) the verge of a trunk road or a principal road ;

(b) a lay-by on any such road ; or

(c) unenclosed land within 15 metres of any part of any such road,

where its presence or its use for that purpose causes or is likely to cause danger on the road or interrupts or is likely to interrupt any user of the road.

(2) Any person who contravenes this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) It shall be a defence for a person charged with an offence under this section to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(4) This section does not apply—

(a) to the sale or offer or exposure for sale of things from or on a vehicle which is used only for the purposes of itinerant trading with the occupiers of premises, or is used only for that purpose and for purposes other than trading ;

(b) to the sale or offer or exposure for sale of newspapers ;

(c) to anything done at a market in respect

of which tolls, stallages or rents are payable ; or

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- (d) to the sale or offer or exposure for sale of anything by way of street trading which has been authorised under Schedule 4 to the Local Government (Miscellaneous Provisions) Act 1982 or under any local enactment which makes provision similar to that made by that Schedule, either by the person so authorised or by a person acting as assistant to the person so authorised.”.

PART XI

PUBLIC HEALTH, ETC.

24. The following section shall be substituted for section 56 of the Public Health Act 1936—

“Yards and passages to be paved and drained.

56.—(1) If any court or yard appertaining to, or any passage giving access to, buildings to which this section applies is not so formed, flagged, asphalted or paved or is not provided with such works on, above, or below its surface, as to allow of the satisfactory drainage of its surface or subsoil to a proper outfall, the local authority may by notice require any person who is the owner of any of the buildings to execute all such works as may be necessary to remedy the defect.

Paving of yards and passages.
1936 c. 49.

(2) The buildings to which this section applies are houses and industrial and commercial buildings.

(3) The provisions of Part XII of this Act with respect to appeals against and the enforcement of notices requiring the execution of works shall apply in relation to any notice given under subsection (1) of this section.

(4) This section shall apply in relation to any court, yard or passage which is used in common by the occupiers of two or more houses, or a house and a commercial or industrial building but which is not a highway maintainable at the public expense.”.

25.—(1) The following subsections shall be substituted for subsections (1) and (2) of section 64 of the Public Health Act 1936 (passing or rejection of plans, and power to retain plans, etc.)—

“ (1) Where plans of any proposed work are, in accordance with building regulations, deposited with a local authority, it shall be the duty of the local authority, subject

Building regulations.

PART XI

to the provisions of any other section of this Act which expressly requires or authorises them in certain cases to reject plans, to pass the plans unless they either are defective or show that the proposed work would contravene any of the building regulations.

(1A) If the plans—

- (a) are defective ; or
- (b) show that the proposed work would contravene any of the building regulations,

the local authority—

- (i) may reject the plans ; or
- (ii) subject to subsection (1C) below, may pass them subject to either or both of the conditions set out in subsection (1B) below.

(1B) The conditions mentioned in subsection (1A) above are—

- (a) that such modifications as the local authority may specify shall be made in the deposited plans ; and
- (b) that such further plans as they may specify shall be deposited.

(1C) A local authority may only pass plans subject to a condition such as is specified in subsection (1B) above if the person by whom or on whose behalf they were deposited—

- (a) has requested them to do so ; or
- (b) has consented to their doing so.

(1D) A request or consent under subsection (1C) above must be in writing.

(2) The authority shall within the prescribed period from the deposit of the plans give notice to the person by whom or on whose behalf they were deposited whether they have been passed or rejected.

(2A) A notice that plans have been rejected shall specify the defects on account of which, or the regulation or section of this Act for non-conformity with which, or under the authority of which, they have been rejected.

(2B) A notice that plans have been passed—

- (a) shall specify any condition subject to which they have been passed ; and
- (b) shall state that the passing of the plans operates as an approval of them only for the purposes of the requirements of the regulations and of any such section of this Act as is referred to in subsection (1) above.”.

(2) In section 65(4) of that Act (by virtue of which, among other things, in any case where plans were deposited, a local authority may not give a notice requiring the pulling down, removal etc. of the work if the plans were passed by the authority) after the word "deposited" there shall be inserted the words "and the work was shown on them".

(3) This section, and section 47 below, so far as it relates to section 63 of the Health and Safety at Work etc. Act 1974, shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint.

26.—(1) In section 92(1)(d) of the Public Health Act 1936 (by virtue of which statutory nuisances include any dust or effluvia caused by any trade, business, manufacture or process, being prejudicial to the health of, or a nuisance to, the inhabitants of the neighbourhood) for the words from "being" to "neighbourhood" there shall be substituted the words "injurious, or likely to cause injury, to the public health or a nuisance".

(2) In section 16(1) of the Clean Air Act 1956 (by virtue of which smoke of certain descriptions is deemed to be a statutory nuisance for the purposes of Part III of the Public Health Act 1936 if it is a nuisance to the inhabitants of the neighbourhood) for the words "a nuisance to the inhabitants of the neighbourhood" there shall be substituted the words "injurious, or likely to cause injury, to the public health or a nuisance".

27.—(1) The following section shall be substituted for sections 17 and 18 of the Public Health Act 1961—

"Powers to repair drains etc. and to remedy stopped-up drains etc.

17.—(1) If it appears to a local authority that a drain, private sewer, water-closet, waste pipe or soil pipe—

(a) is not sufficiently maintained and kept in good repair, and

(b) can be sufficiently repaired at a cost not exceeding £250,

the local authority may, after giving not less than seven days notice to the person or persons concerned, cause the drain, private sewer, water-closet or pipe to be repaired and, subject to subsections (7) and (8) below, recover the expenses reasonably incurred in so doing, so far as they do not exceed £250, from the person or persons concerned, in such proportions, if there is more than one such person, as the local authority may determine.

Powers to repair drains etc. and to remedy stopped-up drains etc.

1961 c. 64.

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(2) In subsection (1) above "person concerned" means—

- (a) in relation to a water-closet, waste pipe or soil pipe, the owner or occupier of the premises on which it is situated, and
- (b) in relation to a drain or private sewer, any person owning any premises drained by means of it and also, in the case of a sewer, the owner of the sewer.

(3) If it appears to a local authority that on any premises a drain, private sewer, water-closet, waste pipe or soil pipe is stopped up, they may by notice in writing require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice.

(4) If a notice under subsection (3) of this section is not complied with, the local authority may themselves carry out the work necessary to remedy the defect and, subject to subsections (7) and (8) below, may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.

(5) Where the expenses recoverable by a local authority under subsection (1) or (4) of this section do not exceed £10, the local authority may, if they think fit, remit the payment of the expenses.

(6) In proceedings to recover expenses under this section—

(a) where the expenses were incurred under subsection (1) of this section, the court—

(i) shall inquire whether the local authority were justified in concluding that the drain, private sewer, water-closet, waste pipe or soil pipe was not sufficiently maintained and kept in good repair; and

(ii) may inquire whether any apportionment of expenses by the local authority under that subsection was fair;

(b) where the expenses were incurred under subsection (4) of this section, the court may inquire—

(i) whether any requirement contained in a notice served under subsection (3) of this section was reasonable; and

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(ii) whether the expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings.

(7) Subject to subsection (8) below, the court may make such order concerning the expenses or their apportionment as appears to the court to be just.

(8) Where the court determines that the local authority were not justified in concluding that a drain, private sewer, water-closet, waste pipe or soil pipe was not sufficiently maintained and kept in good repair, the local authority shall not recover expenses incurred by them under subsection (1) of this section.

(9) The court shall not revise an apportionment unless it is satisfied that all persons affected by the apportionment or by an order made by virtue of subsection (6)(b)(ii) above have had notice of the proceedings and an opportunity of being heard.

(10) Subject to subsection (11) of this section, the provisions of subsection (1) of this section shall not authorise a local authority to carry out works on land which belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking.

(11) Subsection (10) of this section does not apply to houses, or to buildings used as offices or show-rooms, other than buildings so used which form part of a railway station.

(12) The Secretary of State may by order made by statutory instrument increase any amount specified in this section.

(13) Nothing in an order made under subsection (12) of this section shall apply to a notice given under this section before the commencement of the order.

(14) A statutory instrument containing an order under subsection (12) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(15) The provisions of this section shall be without prejudice to section 39 of the Public Health Act 1936 c. 49. 1936 (which empowers a local authority to serve notices as regards defective drains).”.

(2) Section 24 of the Greater London Council (General Powers) 1967 c. xx. Act 1967 (which makes certain modifications to sections 17 and 18 of the Public Health Act 1961 in their application to Greater London) is hereby repealed.

PART XI
Control of
demolitions.

1961 c. 64.

1957 c. 56.

1967 c. 9.

28.—(1) The following sections shall be substituted for section 29 of the Public Health Act 1961 (powers of local authority in relation to demolitions)—

“Duty to
give local
authority
notice of
intended
demolition.

29.—(1) This section applies to any demolition of the whole or part of a building except—

(a) a demolition in pursuance of a demolition order made under the Housing Act 1957; and

(b) a demolition—

(i) of an internal part of a building where the building is occupied, and it is intended that it should continue to be occupied; or

(ii) of a building which has a cubic content (as ascertained by external measurement) of not more than 1750 cubic feet, or, where a greenhouse, conservatory, shed or prefabricated garage forms part of a larger building, of that greenhouse, conservatory, shed or prefabricated garage; or

(iii) without prejudice to sub-paragraph (ii) above, of an agricultural building (as defined in section 26 of the General Rate Act 1967) unless it is contiguous to another building which is not itself an agricultural building or a building of a kind mentioned in that sub-paragraph.

(2) No person shall begin a demolition to which this section applies unless—

(a) he has given the local authority notice of his intention to do so; and

(b) either—

(i) the local authority have served a notice on him under section 29A of this Act; or

(ii) the relevant period (as defined in that section) has expired.

(3) A notice under this section shall be in writing and shall specify the building to which it relates and the works of demolition intended to be carried out, and it shall be the duty of a person giving such a notice to a local authority to send or give a copy of it—

(a) to the occupier of any building adjacent to the building;

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- (b) to the British Gas Corporation ; and
- (c) to the Area Electricity Board in whose area the building is situated.

(4) A person who contravenes subsection (2) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

Power of local authority to serve notice concerning demolition.

29A.—(1) A local authority may serve a notice under this section—

- (a) on any person on whom a demolition order has been served under the Housing Act 1957 c. 56. 1957 ;
- (b) on any person who appears to them not to be intending to comply with an order made under section 58 of the Public Health Act 1936 c. 49. 1936 or a notice served under section 27 of this Act ; and
- (c) on any person who appears to them to have begun or to be intending to begin a demolition to which section 29 above otherwise applies.

(2) Nothing contained in a notice under this section shall prejudice or affect the operation of any of the relevant statutory provisions, as defined in section 53(1) of the Health and Safety at Work etc. Act 1974 c. 37. 1974 ; and accordingly, if any requirement of such a notice is inconsistent with any requirement imposed by or under the said Act of 1974, the latter requirement shall prevail.

(3) Where—

- (a) a person has given a notice under section 29 of this Act ; or
- (b) the local authority have served a demolition order on a person under the Housing Act 1957,

a notice under this section may only be served on the person in question within the relevant period.

(4) In this section and section 29 of this Act “ the relevant period ” means—

- (a) in a case such as is mentioned in paragraph (a) of subsection (3) above, six weeks from the giving of the notice under section 29 of this Act, or such longer period as the person who gave that notice may in writing allow ; and

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1957 c. 56

(b) in a case such as is mentioned in paragraph (b) of that subsection, seven days after the local authority served a copy of the demolition order in accordance with the Housing Act 1957, or such longer period as the person on whom the copy was served may in writing allow.

(5) It shall be the duty of the local authority to send or give a copy of a notice under this section to the owner and occupier of any building adjacent to the building to which the notice relates.

(6) It shall also be the duty of the local authority to send or give a copy of a notice under this section—

(a) if it contains a requirement such as is specified in paragraph (h) of section 29B(1) of this Act, to the statutory undertakers concerned; and

(b) if it contains any such requirement as is specified in paragraph (j) of that section—
 (i) to the fire authority, if they are not themselves the fire authority; and
 (ii) to the Health and Safety Executive, if the premises are special premises.

(7) In this section and section 29B of this Act—
 “fire authority” has the meaning assigned to it by section 43(1) of the Fire Precautions Act 1971; and

1971 c. 40.

“special premises” means premises for which a fire certificate is required by virtue of regulations under the Health and Safety at Work etc. Act 1974.

1974 c. 37.

Contents of
 notices
 under
 section 29A.

29B.—(1) A notice under section 29A(1) of this Act may require the person on whom it is served—

- (a) to shore up any building adjacent to the building to which the notice relates;
- (b) to weatherproof any surfaces of an adjacent building which are exposed by the demolition;
- (c) to repair and make good any damage to an adjacent building caused by the demolition or by the negligent act or omission of any person engaged in it;
- (d) to remove material or rubbish resulting from the demolition and clearance of the site;

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- (e) to disconnect and seal, at such points as the local authority may reasonably require, any sewer or drain in or under the building ;
 - (f) to remove any such sewer or drain and seal any sewer or drain with which the sewer or drain to be removed is connected ;
 - (g) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (e) or paragraph (f) of this subsection ;
 - (h) to make arrangements with the relevant statutory undertakers for the disconnection of the supply of gas, electricity and water to the building ;
 - (j) to make such arrangements with regard to the burning of structures or materials on the site as may be reasonably required—
 - (i) if the building is or forms part of special premises, by the Health and Safety Executive and the fire authority ; and
 - (ii) in any other case, by the fire authority ; and
 - (k) to take such steps relating to the conditions subject to which the demolition is to be undertaken and the condition in which the site is to be left on completion of the demolition as the local authority may consider reasonably necessary for the protection of the public and the preservation of public amenity.
- (2) No one shall be required under paragraph (c), (e) or (f) of subsection (1) of this section to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to the provisions of Part XII of the Public Health Act 1936 c. 49. 1936 with respect to the breaking open of streets, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.
- (3) Nothing in subsection (1) or (2) of this section shall be construed as authorising any interference with apparatus or works of statutory undertakers authorised by any enactment to carry on an undertaking for the supply of electricity, gas or water.

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(4) Without prejudice to the generality of subsection (3) of this section, nothing in subsection (1) or (2) of this section shall be construed as exempting any person—

- 1945 c. 42. (a) from the obligation to obtain any consent required under section 67 of Schedule 3 to the Water Act 1945 (which relates to interference with valves and other apparatus) or section 68 of that Schedule (which relates to alterations to supply pipes and other apparatus); or
- (b) from criminal liability under any enactment relating to the supply of gas or electricity; or
- 1972 c. 60. (c) from the requirements of regulations under section 31 of the Gas Act 1972 (public safety).

(5) Before a person complies with any requirement under paragraph (e) or paragraph (f) of subsection (1) of this section he shall give at least 48 hours notice to the local authority, and before he complies with paragraph (g) of that subsection he shall give at least 24 hours notice to the local authority; and a person who fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding £50.

1936 c. 49. Appeals.

29C.—(1) The provisions of Part XII of the Public Health Act 1936 with respect to appeals against and the enforcement of notices requiring the execution of works shall apply in relation to any notice given under section 29A of this Act.

(2) Among the grounds on which an appeal may be brought under section 290(3) of the Public Health Act 1936 against such a notice shall be—

- (a) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building which is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up; and
- (b) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces.

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(3) Where the grounds on which an appeal under the said section 290 is brought include any ground specified in subsection (2) of this section, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such order as it thinks fit in respect of the payment of, or contribution towards, the cost of the works by any such person, or as to how any expenses which may be recoverable by the local authority are to be borne between the appellant and any such person.”.

(2) Section 29 of the Public Health Act 1961 shall continue to have effect as if this section had not been enacted in a case where a notice under subsection (1) of that section was served before the commencement of this section. 1961 c. 64.

29.—(1) The section applies where it appears to a local authority— Protection of buildings.

- (a) that any building in their area is unoccupied ; or
- (b) that the occupier of a building in their area is temporarily absent from it.

(2) Where this section applies and it appears to the local authority that the building—

- (a) is not effectively secured against unauthorised entry ; or
- (b) is likely to become a danger to public health,

the local authority may undertake works in connection with the building for the purpose of preventing unauthorised entry to it, or, as the case may be, for the purpose of preventing it becoming a danger to public health.

(3) In this section and sections 30 and 32 “ building ” includes structure.

(4) Subject to subsection (5) below, in this section, the sections mentioned in subsection (3) above and section 31 below “ local authority ” means a district council, a London borough council and the Common Council of the City of London.

(5) This section and the other sections mentioned in subsection (4) above shall have effect, in relation to a building in respect of which—

- (a) an undertaking that it shall not be used for human habitation is in force by virtue of section 16(4) of the Housing Act 1957 or paragraph 5 of Schedule 24 to the Housing Act 1980 ; or 1957 c. 56.
1980 c. 51.
- (b) a closing order is in force by virtue of section 17, 26 or 35 of the Housing Act 1957, section 26 of the

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 1961 c. 65.
 1980 c. 51.
 1969 c. 33.
 1974 c. 44.

Housing Act 1961 or paragraph 6 of Schedule 24 to the Housing Act 1980,

and which is situated in an area which in pursuance of section 40 of the Housing Act 1969 or section 49 of the Housing Act 1974 is for the time being declared by the Greater London Council to be a general improvement area or a housing action area, as if for the words "the local authority", in each place where they occur, there were substituted the words "the Greater London Council".

(6) Subject to subsection (8) below, before undertaking any works under subsection (2) above, other than works on land to which section 30 below applies, a local authority shall serve a notice that they propose to undertake works under this section in connection with the building on each owner or occupier of the building.

(7) A notice under subsection (6) above shall specify the works in connection with the building which the local authority propose to undertake.

(8) A local authority need not give any such notice where they consider—

- (a) that it is necessary to undertake works immediately in order to secure the building against unauthorised entry or to prevent it from becoming a danger to public health; or
- (b) that it is not reasonably practicable to ascertain the name and address of an owner or to trace the whereabouts of an occupier who is absent from the building.

(9) A local authority shall not undertake works specified in a notice under subsection (6) above before the expiry of the period of 48 hours from the service of the notice.

(10) For the purpose of exercising the power conferred on a local authority by this section any person duly authorised in writing by the authority may enter—

- (a) the building in connection with which works are to be undertaken;
- (b) any land that appears to the local authority to be appurtenant to the building; and
- (c) any other land if—
 - (i) it appears to the local authority to be unoccupied; and
 - (ii) it would be impossible to undertake the works without entering it.

(11) Where the local authority undertake any works under subsection (2) above, they may recover the expenses reasonably incurred in so doing from any person to whom notice was given

under subsection (6) above or subsection (2) of section 30 below or to whom notice would have been required to be given but for subsection (8) of this section or subsection (4) of that section. PART XI

(12) Section 293 of the Public Health Act 1936 shall have effect in relation to the recovery of expenses under this section as it has effect in relation to the recovery of a sum which a council are entitled to recover under that Act and with respect to the recovery of which provision is not made by any other section of that Act. 1936 c. 49.

(13) In proceedings to recover expenses under this section the court may inquire whether the expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings, and the court may make such order concerning the expenses of their apportionment as appears to the court to be just.

30.—(1) This section applies to operational land—

- | | |
|---|--|
| <ul style="list-style-type: none"> (a) of the British Railways Board (in this section referred to as “the Board”); or (b) of persons (in this section referred to as “the statutory undertakers”) authorised by any enactment to carry on an undertaking for the generation or supply of electricity or the supply of gas or water. | Buildings on
operational
land of
British
Railways
Board and
certain
statutory
undertakers. |
|---|--|

(2) Subject to subsection (4) below, before undertaking any works under section 29(2) above on land to which this section applies a local authority shall serve notice that they propose to undertake works under that section in connection with the building—

- (a) on the Board, if the works which they propose to undertake will be undertaken on operational land of the Board; and
- (b) in any other case, on the statutory undertakers on whose operational land the works will be undertaken.

(3) A notice under subsection (2) above shall specify the works which the local authority propose to undertake.

(4) A local authority need not give any such notice where they consider that it is necessary to undertake works immediately in order to secure a building against unauthorised entry or to prevent it from becoming a danger to public health.

(5) A local authority shall not undertake works specified in a notice under subsection (2) above before the expiry of the period of 48 hours from the service of the notice on the Board or the statutory undertakers.

(6) In carrying out any works under section 29(2) above on land to which this section applies a local authority shall comply

PART XI with any reasonable requirement which the Board or, as the case may be, the statutory undertakers may impose for the protection or safety of their undertaking.

(7) In this section “operational land” means, in relation to the Board or the statutory undertakers—

(a) land which is used for the purpose of carrying on their undertaking ; and

(b) land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of carrying on such undertakings.

Appeals
against
notices.

31. (1) A person on whom a notice is served under section 29 or 30 above may appeal against the notice to the county court.

(2) No such appeal may be brought after the expiry of the period of 21 days from the date on which the notice was served.

(3) The ground of any such appeal may be—

(a) that the works specified in the notice were not authorised by section 29 above ; or

(b) that they were unnecessary ; or

(c) that it was otherwise unreasonable for the local authority to undertake them.

(4) If such an appeal is brought, the local authority—

(a) shall cease from any works specified in the notice which they have commenced ; and

(b) shall not commence any further works so specified except as provided by subsection (7) below.

(5) The court may make an order confirming or quashing the notice or varying it in such manner as it thinks fit.

(6) An order under subsection (5) above may make such provision as to the recovery of expenses arising in connection with the works specified in the notice as the court thinks fit.

(7) Upon the confirmation or variation of a notice the local authority may commence or recommence the works authorised by the notice as originally served or, as the case may be, as varied by the order of the court.

Applications
to court in
respect of
expenses of
works.

32.—(1) If a local authority seek to recover expenses incurred in undertaking works under section 29(2) above in connection with a building—

(a) where the building is on land to which section 30 above applies, from the Board or the statutory undertakers ;
or

- (b) in any other case, from an occupier of the building ; and
- (c) they did not serve notice of their proposal to undertake the works under section 29(6) or 30(2) above on the Board or, as the case may be, the statutory undertakers or that occupier,

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the person from whom they seek to recover the expenses may apply to the county court for a declaration—

- (i) that the works undertaken in connection with the building were unnecessary ; or
- (ii) that it was otherwise unreasonable for the local authority to undertake them.

(2) No such application may be made after the expiry of the period of 21 days from the date on which the local authority first requested payment of the expenses.

(3) If the court makes a declaration under subsection (1) above, it may make such order as it thinks fit in respect of the payment of the expenses incurred in connection with the works.

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MISCELLANEOUS

33.—(1) The provisions of this section shall apply if a principal council (in the exercise of their powers under section 111 of the Local Government Act 1972 or otherwise) and any other person are parties to an instrument under seal which—

Enforceability
by local
authorities of
certain
covenants
relating to
land.
1972 c. 70.

- (a) is executed for the purpose of securing the carrying out of works on or facilitating the development or regulating the use of land in the council's area in which the other person has an interest ; or
- (b) is executed for the purpose of facilitating the development or regulating the use of land outside the council's area in which the other person has an interest ; or
- (c) is otherwise connected with land in or outside the council's area in which the other person has an interest.

(2) If, in a case where this section applies,—

- (a) the instrument contains a covenant on the part of any person having an interest in land, being a covenant to carry out any works or do any other thing on or in relation to that land, and
- (b) the instrument defines the land to which the covenant relates, being land in which that person has an interest at the time the instrument is executed, and

PART XII
1974 c. 44.

- (c) the covenant is expressed to be one to which this section or section 126 of the Housing Act 1974 (which is superseded by this section) applies,

the covenant shall be enforceable (without any limit of time) against any person deriving title from the original covenantor in respect of his interest in any of the land defined as mentioned in paragraph (b) above and any person deriving title under him in respect of any lesser interest in that land as if that person had also been an original covenanting party in respect of the interest for the time being held by him.

(3) Without prejudice to any other method of enforcement of a covenant falling within subsection (2) above, if there is a breach of the covenant in relation to any of the land to which the covenant relates, then, subject to subsection (4) below, the principal council who are a party to the instrument in which the covenant is contained may—

- (a) enter on the land concerned and carry out the works or do anything which the covenant requires to be carried out or done or remedy anything which has been done and which the covenant required not to be done ; and
- (b) recover from any person against whom the covenant is enforceable (whether by virtue of subsection (2) above or otherwise) any expenses incurred by the council in exercise of their powers under this subsection.

(4) Before a principal council exercise their powers under subsection (3)(a) above they shall give not less than 21 days notice of their intention to do so to any person—

- (a) who has for the time being an interest in the land on or in relation to which the works are to be carried out or other thing is to be done ; and
- (b) against whom the covenant is enforceable (whether by virtue of subsection (2) above or otherwise).

(5) If a person against whom a covenant is enforceable by virtue of subsection (2) above requests the principal council to supply him with a copy of the covenant, it shall be their duty to do so free of charge.

1936 c. 49.

(6) The Public Health Act 1936 shall have effect as if any reference to that Act in—

- (a) section 283 of that Act (notices to be in writing ; forms of notices, etc.),
- (b) section 288 of that Act (penalty for obstructing execution of Act), and

- (c) section 291 of that Act (certain expenses recoverable from owners to be a charge on the premises ; power to order payment by instalments), PART XII

included a reference to subsections (1) to (4) above and as if any reference in those sections of that Act—

- (i) to a local authority were a reference to a principal council ; and
- (ii) to the owner of the premises were a reference to the holder of an interest in land.

(7) Section 16 of the Local Government (Miscellaneous Provisions) Act 1976 shall have effect as if references to a local authority and to functions conferred on a local authority by any enactment included respectively references to such a board as is mentioned in subsection (9) below and to functions of such a board under this section.

(8) In its application to a notice or other document authorised to be given or served under subsection (4) above or by virtue of any provision of the Public Health Act 1936 specified in subsection (6) above, section 233 of the Local Government Act 1972 (service of notices by local authorities) shall have effect as if any reference in that section to a local authority included a reference to the Common Council of the City of London and such a board as is mentioned in the following subsection.

(9) In this section—

- (a) “principal council” means the council of a county, district or London borough, a board constituted in pursuance of section 1 of the Town and Country Planning Act 1971 or reconstituted in pursuance of Schedule 17 to the Local Government Act 1972, the Common Council of the City of London or the Greater London Council ; and
- (b) “area” in relation to such a board means the district for which the board is constituted or reconstituted.

(10) Section 126 of the Housing Act 1974 (which is superseded by this section) shall cease to have effect ; but in relation to a covenant falling within subsection (2) of that section, section 1(1)(d) of the Local Land Charges Act 1975 shall continue to have effect as if the reference to the commencement of that Act had been a reference to the coming into operation of the said section 126.

34. In the Local Land Charges Act 1975—

- (a) the following subsection shall be substituted for subsection (3) of section 3 (which provides for the keeping of registers—
Local land charges registers—computerisation etc.

PART XII

of local land charges registers and indexes of such registers)—

- “ (3) Neither a local land charges register nor an index such as is mentioned in subsection (2)(b) above need be kept in documentary form.”;
- (b) the following subsection shall be inserted after subsection (1) of section 8 (personal searches)—
- “ (1A) If a local land charges register is kept otherwise than in documentary form, the entitlement of a person to search in it is satisfied if the registering authority makes the portion of it which he wishes to examine available for inspection in visible and legible form.”;
- (c) in subsection (2) of that section, for the words “ subsection (1) ” there shall be substituted the words “ subsections (1) and (1A) ”;
- (d) in section 10(1) (compensation)—
- (i) the following paragraph shall be inserted after paragraph (a)—
- “ (aa) in a case where the appropriate local land charges register is kept otherwise than in documentary form and a material personal search of that register was made in respect of the land in question before the relevant time, if the entitlement to search in that register conferred by section 8 above was not satisfied as mentioned in subsection (1A) of that section ; or ”; and
- (ii) the words “ in consequence ” shall be substituted for the words from “ by reason ” onwards ; and
- (e) the following subsection shall be inserted after subsection (1) of section 16 (interpretation)—
- “ (1A) Any reference in this Act to an office copy of an entry includes a reference to the reproduction of an entry in a register kept otherwise than in documentary form.”.

Acquisition
of land etc.
by Planning
Boards.

1980 c. 65.

1971 c. 78.

1972 c. 70.

35. In section 119 of the Local Government, Planning and Land Act 1980—

- (a) in subsection (1), for the words “ The Peak Park Joint Planning Board and the Lake District Special Planning Board ” there shall be substituted the words “ A board constituted in pursuance of section 1 of the Town and Country Planning Act 1971 or reconstituted in pursuance of Schedule 17 to the Local Government Act 1972.”

- (b) in subsection (2), for the words "The Boards" there shall be substituted the words "Any such board";
- (c) in subsection (3), for the words "the Boards were local authorities" there shall be substituted the words "any such board were a local authority"; and
- (d) the following subsection shall be added after that subsection—

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"(4) On being authorised to do so by the Secretary of State any such board shall have, for any purpose for which by virtue of this section they may acquire land compulsorily, the power to purchase compulsorily rights over land not in existence when their compulsory purchase is authorised which section 13 of the Local Government (Miscellaneous Provisions) Act 1976 c. 57. Act 1976 confers on the local authorities to whom subsection (1) of that section applies, and subsections (2) to (5) of that section shall accordingly apply to the purchase of rights under this subsection as they apply to the purchase of rights under the said subsection (1)."

36. In the Town and Country Planning Act 1971—

Control of
fly-posting.
1971 c. 78.

- (a) the following section shall be inserted after section 109—
- 109A.**—(1) Subject to subsections (2) and (3) of this section, the council of a district or a London borough may remove or obliterate any placard or poster—

"Power to
remove or
obliterate
placards
and
posters.

- (a) which is displayed in their area; and
- (b) which, in their opinion, is so displayed in contravention of the advertisement regulations.

(2) Subsection (1) of this section does not authorise the removal or obliteration of a placard or poster displayed within a building to which there is no public right of access.

(3) Subject to subsection (4) of this section, a council shall not exercise any power conferred by subsection (1) of this section where a placard or poster identifies the person who displayed it or caused it to be displayed unless they have first given him notice in writing—

- (a) that in their opinion it is displayed in contravention of the advertisement regulations; and

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(b) that they intend to remove or obliterate it on the expiry of a period specified in the notice.

(4) A council may exercise a power conferred by subsection (1) of this section without giving the person who displayed the placard or poster notice under subsection (3) of this section if the placard or poster does not give his address and the council do not know it and are unable to ascertain it after reasonable inquiry.

(5) The period to be specified in a notice under subsection (3) of this section shall be a period of not less than two days from the date of service of the notice.

(6) In this section "the advertisement regulations" means regulations made or having effect as if made under section 63 of this Act."

(b) in section 269(2) (provisions specified in Part III of Schedule 21 to have effect as if the Isles of Scilly were a district and the Council of the Isles were its council) after the word "Schedule" there shall be inserted the words "and section 109A of this Act";

(c) the following subsection shall be inserted after subsection (4) of section 280 (rights of entry)—

"(4A) Any person duly authorised in writing by the council of a district or a London borough may at any reasonable time enter any land for the purpose of exercising a power conferred on the council by section 109A above if—

(a) the land is unoccupied; and

(b) it would be impossible to exercise the power without entering the land."; and

(d) in Part I of Schedule 21 (provisions that may be applied to the Isles of Scilly as if they were a separate county) for the words "Sections 104 to 111" there shall be substituted the words—

"Sections 104 to 109.

Sections 110 and 111."

Temporary
markets.

37.—(1) The council of a district or a London borough may resolve that the following provisions of this section shall apply to their district or borough; and if a council so resolve and within 14 days of the passing of the resolution give notice of the resolution by advertising in a local newspaper circulating in their area, those provisions shall come into force in their district or borough on the day specified in the resolution.

(2) Subject to subsection (3) below, any person intending to hold a temporary market in a district or London borough where the provisions of this section have come into force, and any occupier of land in such a district or borough who intends to permit the land to be used as the site of a temporary market or for purposes of that market, shall give the council of the district or the borough not less than one month before the date on which it is proposed to hold the market notice of his intention to hold it or to permit the land to be so used, as the case may be.

(3) No notice is required under subsection (2) above if the proceeds of the temporary market are to be applied solely or principally for charitable, social, sporting or political purposes.

(4) Any notice given under subsection (2) above shall state—

- (a) the full name and address of the person intending to hold the market ;
- (b) the day or days on which it is proposed that the market shall be held and its proposed opening and closing times ;
- (c) the site on which it is proposed that it shall be held ;
- (d) the full name and address of the occupier of that site, if he is not the person intending to hold the market.

(5) A person who without giving the notice required by subsection (2) above holds a temporary market or permits land occupied by him to be used as the site of a temporary market shall be guilty of an offence and liable on summary conviction to a fine not exceeding £500.

(6) In this section “ temporary market ” means a concourse of buyers and sellers of articles held otherwise than in a building or on a highway, and comprising not less than five stalls, stands, vehicles (whether movable or not) or pitches from which articles are sold, but does not include—

- (a) a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order ; or
- (b) a sale by auction of farm livestock or deadstock.

(7) A person holds a temporary market for the purposes of this section if—

- (a) he is entitled to payment for any space or pitch hired or let on the site of the market to persons wishing to trade in the market ; or
- (b) he is entitled, as a person promoting the market, or as the agent, licensee or assignee of a person promoting the market, to payment for goods sold or services rendered to persons attending the market.

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1971 c. 78. (8) This section does not apply to a market held on any land in accordance with planning permission granted on an application made under Part III of the Town and Country Planning Act 1971.

Work undertaken by local authorities and development bodies under certain agreements with Manpower Services Commission.
1980 c. 65. 38.—(1) The following subsection shall be added at the end of section 20 of the Local Government, Planning and Land Act 1980—

“ (4) Notwithstanding anything in subsection (1) above, in this Act “construction or maintenance work” does not include work undertaken by a local authority or a development body pursuant to an agreement made with the Manpower Services Commission on or after 1st April 1982 which specifies the work to be undertaken by the authority or body and under which the Commission has agreed to pay the whole or part of the cost of the work so specified.”.

(2) The words “to (4)” shall accordingly be substituted for the words “and (3)” in the definition of “construction or maintenance work” in subsection (1) of that section.

(3) This section extends to Scotland.

Insurance etc. of local authority members and persons voluntarily assisting local authorities and probation committees.
1972 c. 70.
1981 c. 31. 39.—(1) In section 140 of the Local Government Act 1972 (insurance by local authorities against accidents to members)—

(a) the following subsection shall be substituted for subsection (1)—

“ (1) A local authority may enter into a contract of insurance of Class 1 in Part I of Schedule 2 to the Insurance Companies Act 1981 against risks of any member of the authority meeting with a personal accident, whether fatal or not, while engaged on the business of the authority.”; and

(b) the words in subsection (3) from “but” to the end shall cease to have effect.

(2) The following sections shall be inserted after that section—

“Insurance of voluntary assistants of local authorities.

140A.—(1) A local authority may enter into a contract of insurance of a relevant class against risks of any voluntary assistant of the authority meeting with a personal accident, whether fatal or not, while engaged as such, or suffering from any disease or sickness, whether fatal or not, as the result of being so engaged.

(2) In this section—

“local authority” includes—

(a) a board constituted in pursuance of section 1 of the Town and Country Plan-

ning Act 1971 or reconstituted in pursuance of Schedule 17 to this Act ;

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(b) the Common Council of the City of London ; and

(c) the Council of the Isles of Scilly ;
and

“voluntary assistant” means a person who, at the request of the local authority or an authorised officer of the local authority, performs any service or does anything otherwise than for payment by the local authority (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the local authority.

Insurance
of voluntary
assistants of
probation
committees.

140B.—(1) A county council and the Greater London Council may enter into a contract of insurance of a relevant class against risks of any voluntary assistant of a relevant probation committee meeting with a personal accident, whether fatal or not, while engaged as such, or suffering from any disease or sickness, whether fatal or not, as the result of being so engaged.

(2) In this section—

“relevant probation committee” means—

(a) in relation to a county council,
a probation committee for a probation
area wholly or partly within the county ;
and

(b) in relation to Greater London, a
probation committee for a probation
area wholly or partly within an outer
London borough (within the meaning of
section 1 of the 1963 Act) ; and

“voluntary assistant” means a person who, at the request of an authorised officer of the probation committee, performs any service or does anything otherwise than for payment by the committee (except by way of reimbursement of expenses), for the purposes of, or in connection with, the carrying out of any of the functions of the committee.

- PART XII** Provisions supplementary to sections 140A and 140B.
- 1981 c. 31. **140C.**—(1) The relevant classes of contracts of insurance for the purposes of sections 140A and 140B above are—
- (a) class IV in Schedule 1 to the Insurance Companies Act 1981 (permanent health insurance); and
 - (b) class 1 in Part I of Schedule 2 to that Act (accident insurance).
- (2) Any sum received under a contract of insurance made by virtue of section 140A or 140B above shall, after deduction of any expenses incurred in the recovery thereof, be paid by the authority receiving it to, or to the personal representatives of, the voluntary assistant who suffered the accident, disease or sickness in respect of which the sum is received or to such other person as the authority consider appropriate having regard to the circumstances of the case; and a sum paid to any person other than the assistant or his personal representatives shall be applied by that person in accordance with any directions given by the authority for the benefit of any dependant of the voluntary assistant.
- 1774 c. 48. (3) The provisions of the Life Assurance Act 1774 shall not apply to any such contract.
- (4) Section 119 above shall apply to any sum which is due by virtue of subsection (2) above and does not exceed the amount for the time being specified in section 119(1) above.”.
- 1972 c. 70. (3) In the entry relating to Class 1 in Part I of Schedule 2 to the Insurance Companies Act 1981, after the words “the person insured” there shall be inserted the words “or, in the case of a contract made by virtue of section 140, 140A or 140B of the Local Government Act 1972, a person for whose benefit the contract is made”.
- Nuisance and disturbance on educational premises. **40.**—(1) Any person who without lawful authority is present on premises to which this section applies and causes or permits nuisance or disturbance to the annoyance of persons who lawfully use those premises (whether or not any such persons are present at the time) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.
- (2) This section applies to premises, including playgrounds, playing fields and other premises for outdoor recreation—
- (a) of a school maintained by a local education authority;
 - or
 - (b) of a further education establishment provided by such an authority.

(3) If—

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(a) a police constable ; or

(b) subject to subsection (5) below, a person whom a local education authority have authorised to exercise the power conferred by this subsection,

has reasonable cause to suspect that any person is committing or has committed an offence under this section, he may remove him from the premises.

(4) The power conferred by subsection (3) above may also be exercised, in relation to premises of an aided or special agreement school, by a person whom the school governors have authorised to exercise it.

(5) A local education authority may not authorise a person to exercise the power conferred by subsection (3) above in relation to premises of a voluntary school without first obtaining the consent of the school governors.

(6) Except as provided by subsection (7) below, no proceedings under this section shall be brought by any person other than—

(a) a police constable ; or

(b) subject to subsection (8) below, a local education authority.

(7) Proceedings under this section for an offence committed on premises of an aided or special agreement school may be brought by a person whom the school governors have authorised to bring such proceedings.

(8) A local education authority may not bring proceedings under this section for an offence committed on premises of a voluntary school without first obtaining the consent of the school governors.

(9) Expressions used in this section and in the Education Act 1944 c. 31. 1944 have the meanings assigned to them by that Act.

(10) This section shall come into force on the expiry of the period of two months beginning with the date on which this Act is passed.

41.—(1) This section has effect where—

(a) property comes into the possession of a local authority after being found on buildings or premises owned or managed by them ; or

Lost and uncollected property.

(b) property which has been deposited with a local authority is not collected from them in accordance with the terms under which it was deposited.

(2) Where—

(a) property is found on any building or premises owned or managed by a local authority ; and

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(b) it is subsequently handed over to the authority, any right of possession of the property which was vested in a person by virtue of its having been found is extinguished.

(3) If—

(a) the local authority gives the owner or, as the case may be, the depositor of the property notice in writing—

(i) that they require him to collect the property by a date specified in the notice ; and

(ii) that if he does not do so the property will vest in the local authority on that date ; and

(b) he fails to comply with the notice,

the property shall vest in the local authority on the specified date.

(4) The date to be specified in a notice under subsection (3) above shall be not less than one month from the date of the notice.

(5) Where it appears to the local authority, on the date when property comes into their possession as mentioned in paragraph (a) of subsection (1) above, that it is impossible to serve a notice under subsection (3) above, the property shall vest in the authority one month from that date.

(6) Where the local authority are satisfied after reasonable inquiry that it is impossible to serve a notice under subsection (3) above in relation to any property, it shall vest in them six months from the relevant date.

(7) Where—

(a) any property is of a perishable nature ; or

(b) to look after it adequately would involve the local authority in unreasonable expense or inconvenience,

the authority may sell or otherwise dispose of it at such time and in such manner as they think fit.

(8) Where property is sold or otherwise disposed of under subsection (7) above—

(a) any person to whom the property is transferred shall have a good title to it ; and

(b) any proceeds of sale shall vest in the local authority on the day when the property would have vested in them under this section if it had not been sold.

(9) Where any property which came into the possession of a local authority as mentioned in paragraph (a) of subsection (1) above vests in the authority under this section, the authority may give the whole or any part of the property to the person through whom it came into their possession.

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(10) Where the proceeds of sale of property which came into the possession of a local authority as mentioned in the said paragraph (a) vest in the authority under this section, the authority may make a payment not exceeding the value of the property to the person through whom it came into their possession.

(11) Where property is claimed by its owner or depositor before it vests in a local authority under this section, he may collect it on payment to the local authority of any sum which they require him to pay in respect of costs incurred by them—

- (a) in making inquiries for the purposes of this section or serving any notice under subsection (3) above; and
- (b) in looking after the property adequately.

(12) This section shall not apply to any property which is found—

- (a) on an aerodrome or in an aircraft on an aerodrome;
- (b) in a public service vehicle; or
- (c) on any premises belonging to the London Transport Executive or under the control of that Executive.

(13) In this section—

“aerodrome” has the meaning assigned to it by section 28(1) of the Civil Aviation Act 1968; 1968 c. 61.

“local authority” means—

(a) a local authority as defined in section 270(1) of the Local Government Act 1972; and 1972 c. 70.

(b) a board constituted in pursuance of section 1 of the Town and Country Planning Act 1971 or re-constituted in pursuance of Schedule 17 to the Local Government Act 1972; and 1971 c. 78.

(c) the Common Council of the City of London;

“public service vehicle” has the meaning assigned to it by section 1 of the Public Passenger Vehicles Act 1981; 1981 c. 14.

“the relevant date” means—

(a) in relation to property which came into the possession of a local authority as mentioned in paragraph (a) of subsection (1) above, the date when it came into their possession; and

(b) in relation to uncollected property,—

(i) the date when the local authority accepted custody of it; or

(ii) the date when the period for which it was deposited with them expired,

whichever is the later.

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Port health
districts and
port health
authorities.
1936 c. 49.

42.—(1) In section 2(2) of the Public Health Act 1936 (constitution of port health district under port health authority)—

(a) for the words “ (i) constitute a port health district consisting of the whole or part of a port ” there shall be substituted the words “ constitute a port health district consisting of any area, being a port or part of a port, or of two or more such areas, or consisting of such an area or two or more such areas together with so much (being either the whole or any part or parts) of the district or districts of one or more riparian authorities as (not being comprised in that area or any of those areas, as the case may be) is specified in the order ”; and

(b) paragraph (ii) shall be omitted.

(2) In section 3(1)(a) of that Act (which specifies the waters and land over which a port health authority is to have jurisdiction) for the words from “ waters ” to “ so specified ” there shall be substituted the words “ waters and land within the port health district ”.

1963 c. 33.

(3) In section 41 of the London Government Act 1963 (port health authority for the Port of London)—

(a) in subsection (1), after the words “ Port of London ” there shall be inserted the words “ together with so much (being either the whole or any part or parts) of the district or districts of one or more riparian authorities as (not being comprised in the Port of London) may be specified in an order made by the Secretary of State ”;

(b) in paragraph (a) of that subsection, for the words from “ waters ” to the end of the paragraph there shall be substituted the words “ waters and land within that port health district ”;

(c) in paragraph (c) of that subsection, for the words from “ mentioned in paragraph (a) ” to “ so mentioned ” there shall be substituted the words “ and land within that port health district ”; and

(d) at the end of the section there shall be added the following subsection—

“ (4) In this section “ riparian authority ” means a riparian authority within the meaning of Part I of the Public Health Act 1936 as amended by subsection (3) of this section.”.

(4) The amendments made by subsections (1) to (3) above shall not affect the validity of any order made under section 2(2)

of the Public Health Act 1936, or under section 41 of the London Government Act 1963, before the passing of this Act; but the power conferred by section 9(2) of the said Act of 1936, or by section 90 of the said Act of 1963, to amend or vary orders shall include power to amend or vary any order so made so as to have effect in accordance with the provisions of the Act in question as amended by this section.

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1936 c. 49.

1963 c. 33.

43. In section 3 of the Local Authorities (Land) Act 1963—

(a) the following subsection shall be substituted for subsection (1)—

“(1) Where a local authority are satisfied that it would be for the benefit or improvement of their area, they may, subject to the provisions of this section, advance money to any person for the purpose of enabling him—

(a) to acquire land; or

(b) to erect any building or carry out any work on land.”; and

(b) the following subsections shall be substituted for subsection (3)—

“(3) The amount of the principal of an advance made under subsection (1)(a) of this section shall not exceed nine-tenths of the value of the land.

(3A) The amount of the principal of an advance made under subsection (1)(b) of this section shall not exceed nine-tenths of the value which it is estimated the mortgaged security will bear upon the completion of the building or other works in respect of which the advance is made.”.

Advances for acquisition of land, erection of buildings or carrying out of works.
1963 c. 29.

44. In section 137 of the Local Government Act 1972 (which gives local authorities power to incur expenditure for certain purposes not otherwise authorised, but limits the expenditure which it authorises)—

(a) the following subsections shall be inserted after subsection (2)—

“(2A) Without prejudice to the generality of subsection (1) above, the power of a local authority to incur expenditure under that subsection includes power to incur expenditure in giving financial assistance to persons carrying on commercial or industrial undertakings.

Definition of certain local authority expenditure etc.
1972 c. 70.

PART XII

(2B) Financial assistance under subsection (2A) above may be given by lending or guarantee, or by making grants.”;

(b) the following subsections shall be inserted after subsection (4)—

“ (4A) For the purpose of determining whether a local authority have exceeded the limit set out in subsection (4) above, their expenditure in any financial year under this section shall be taken to be the difference between their gross expenditure under this section for that year and the aggregate of the amounts specified in subsection (4B) below.

(4B) The amounts mentioned in subsection (4A) above are—

1969 c. 2.

- (a) any grant paid to the local authority for that year under the Local Government Grants (Social Need) Act 1969, in so far as the grant is in respect of an activity in relation to which the authority have incurred expenditure in that year under this section ;
- (b) the amount of any repayment in that year of the principal of a loan for the purpose of financing expenditure under this section in any year ;
- (c) so much of any amount raised by public subscription as is spent in that year for a purpose for which the authority are authorised by this section to incur expenditure ;
- (d) any grant received by the authority for that year out of the European Regional Development Fund or the Social Fund of the European Economic Community, in so far as the grant is in respect of an activity in relation to which the authority incurred expenditure in that year under this section ;
- (e) the amount of any repayment in that year of a loan under this section made by the authority in any year ; and
- (f) the amount of any expenditure—
 - (i) which is incurred by the authority in that year in circumstances specified in an order made by the Secretary of State ;
 - or
 - (ii) which is incurred by the authority in that year and is of a description so specified ; or

(iii) which is defrayed by any grant or other payment to the authority which is made in or in respect of that year and is of a description so specified.”; and

(c) in subsection (5), for the words “subsection (4) above” there shall be substituted the words “this section”.

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45.—(1) A local authority to whom this section applies shall have power and shall be deemed always to have had power to enter into arrangements with the Manpower Services Commission or the Secretary of State under any provision of the Employment and Training Act 1973.

Arrangements under Employment and Training Act 1973.
1973 c. 50.

(2) The local authorities to whom this section applies are—

- (a) a local authority as defined in section 270(1) of the Local Government Act 1972 ; 1972 c. 70.
- (b) a board constituted in pursuance of section 1 of the Town and Country Planning Act 1971 or reconstituted in pursuance of Schedule 17 to the Local Government Act 1972 ; and 1971 c. 78.
- (c) the Common Council of the City of London.

46.—(1) In each of the enactments to which this subsection applies “1986” shall be substituted for “1984”.

Extension of duration of local Act

- (2) The enactments to which subsection (1) above applies are—
- (a) section 62A of the Isle of Wight County Council Act 1971, so far as it relates to sections 18 to 20 of that Act ; 1971 c. lxxi.
- (b) section 11(2) of the County of South Glamorgan Act 1976 ; 1976 c. xxxv.
- (c) section 52 of the Tyne and Wear Act 1976 ; 1976 c. xxxvi.
- (d) section 9 of the County of Merseyside Act 1980 ; 1980 c. x.
- (e) section 122(2) of the West Midlands County Council Act 1980 ; 1980 c. xi.
- (f) section 4 of the Cheshire County Council Act 1980 ; 1980 c. xiii.
- (g) section 8 of the West Yorkshire Act 1980 ; and 1980 c. xiv.
- (h) section 9 of the Greater Manchester Act 1981. 1981 c. ix.

PART XIII

SUPPLEMENTARY

47.—(1) The enactments specified in Schedule 6 to this Act shall have effect subject to the amendments specified in that Schedule.

Minor amendments and repeals.

PART XIII

(2) The enactments specified in Schedule 7 to this Act are repealed to the extent specified in the third column of that Schedule.

(3) So far as subsection (2) above relates to Parts I and II of Schedule 7 to this Act, it shall come into force on 1st January 1983.

(4) Subsection (2) above extends to Scotland in so far as it relates to any enactment contained in Part IV of Schedule 7 to this Act which so extends.

Consequential
repeal or
amendment
of local
statutory
provisions.

48.—(1) The Secretary of State may by order—

(a) repeal any provision of a local Act passed before or in the same Session as this Act or of an order or other instrument made under or confirmed by any Act so passed if it appears to him that the provision is inconsistent with or has become unnecessary in consequence of any provision of this Act; and

(b) amend any provision of such a local Act, order or instrument if it appears to him that the provision requires amendment in consequence of any provision contained in this Act or any repeal made by virtue of paragraph (a) above.

(2) An order under subsection (1) above may contain such incidental or transitional provisions as the Secretary of State considers appropriate in connection with the order.

(3) It shall be the duty of the Secretary of State, before he makes an order under subsection (1) above repealing or amending any provision of a local Act, to consult each local authority which he considers would be affected by the repeal or amendment of that provision.

(4) A statutory instrument containing an order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Citation and
extent.

49.—(1) This Act may be cited as the Local Government (Miscellaneous Provisions) Act 1982.

(2) Subject to sections 11(2), 38(3) and 47(4) above, and to paragraph 8(2) of Schedule 6 to this Act, this Act extends to England and Wales only.

SCHEDULES

SCHEDULE 1

Section 1.

LICENSING OF PUBLIC ENTERTAINMENTS

Grant, renewal and transfer of entertainments licences

1.—(1) An entertainment to which this paragraph applies shall not be provided in any place except under and in accordance with the terms of a licence granted under this paragraph by the appropriate authority.

(2) Subject to sub-paragraph (3) below, this paragraph applies to public dancing or music or any other public entertainment of a like kind.

(3) This paragraph does not apply—

(a) to any music—

(i) in a place of public religious worship ; or

(ii) performed as an incident of a religious meeting or service ;

(b) to an entertainment held in a pleasure fair ; or

(c) to an entertainment which takes place wholly or mainly in the open air.

(4) The appropriate authority may grant to any applicant, and from time to time renew, a licence for the use of any place specified in it for all or any of the entertainments to which this paragraph applies on such terms and conditions and subject to such restrictions as may be so specified.

(5) The appropriate authority may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence.

2.—(1) An entertainment to which this paragraph applies shall not be provided in any place except under and in accordance with the terms of a licence granted under this paragraph by the appropriate authority.

(2) Subject to sub-paragraph (3) below, this paragraph applies to any entertainment which consists of, or includes, any public contest, exhibition or display of boxing, wrestling, judo, karate or any similar sport.

(3) This paragraph does not apply—

(a) to an entertainment held in a pleasure fair ; or

(b) to an entertainment which takes place wholly or mainly in the open air.

(4) The appropriate authority may grant to any applicant, and from time to time renew, a licence for the use of any place specified in it for all or any of the entertainments to which this paragraph

SCH. 1 applies on such terms and conditions and subject to such restrictions as may be so specified.

(5) The appropriate authority may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence.

3.—(1) This paragraph applies to any public musical entertainment which is held—

- (a) in an area in which this paragraph and paragraph 4 below have effect ; and
- (b) wholly or mainly in the open air ; and
- (c) at a place on private land.

(2) For the purposes of this paragraph and paragraph 4 below—

- (a) an entertainment is musical if music is a substantial ingredient ; and
- (b) land is private if the public has access to it (whether on payment or otherwise) only by permission of the owner, occupier or lessee.

(3) This paragraph does not apply—

- (a) to a garden fete, bazaar, sale of work, sporting or athletic event, exhibition, display or other function or event of a similar character, whether limited to one day or extending over two or more days ; or

- (b) to a religious meeting or service,

merely because music is incidental to it.

(4) This paragraph does not apply to an entertainment held in a pleasure fair.

4.—(1) An entertainment to which paragraph 3 above applies shall not be provided except under and in accordance with the terms of a licence granted under this paragraph by the appropriate authority.

(2) The appropriate authority may grant to any applicant, and from time to time renew, a licence for the use of any place specified in it for any entertainment to which paragraph 3 above applies.

(3) The appropriate authority may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence.

(4) A licence under this paragraph may be granted—

- (a) on terms and conditions ; and
- (b) subject to restrictions,

imposed for all or any of the following purposes, but no others,—

- (i) for securing the safety of performers at the entertainment for which the licence is granted and other persons present at the entertainment ;

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- (ii) without prejudice to the generality of paragraph (i) above, for securing adequate access for fire engines, ambulances, police cars or other vehicles that may be required in an emergency ;
- (iii) for securing the provision of adequate sanitary appliances and things used in connection with such appliances ;
- (iv) for preventing persons in the neighbourhood being unreasonably disturbed by noise.

5.—(1) Subject to paragraphs 8 and 17 below, any entertainments licence other than a licence in respect of one or more particular occasions only shall, unless previously cancelled under paragraph 10 or revoked under paragraph 12(4) below, remain in force for one year or for such shorter period specified in the licence as the appropriate authority may think fit.

(2) Where an entertainments licence has been granted to any person, the appropriate authority may, if they think fit, transfer that licence to any other person on the application of that other person or the holder of the licence.

6.—(1) An applicant for the grant, renewal or transfer of an entertainments licence in respect of any place shall give not less than 28 days' notice of his intention to make the application to—

- (a) the appropriate authority ;
- (b) the chief officer of police ; and
- (c) the fire authority.

(2) The appropriate authority may in such cases as they think fit, after consulting with the chief officer of police and the fire authority, grant an application for the grant, renewal or transfer of an entertainments licence notwithstanding the fact that the applicant has failed to give notice in accordance with sub-paragraph (1) above.

(3) An applicant for the grant, renewal or transfer of an entertainments licence shall furnish such particulars and give such other notices as the appropriate authority may by regulation prescribe.

(4) In considering any application for the grant, renewal or transfer of an entertainments licence, the appropriate authority shall have regard to any observations submitted to them by the chief officer of police and by the fire authority.

7.—(1) Subject to sub-paragraphs (2) and (3) below, an applicant for the grant, renewal or transfer of an entertainments licence shall pay a reasonable fee determined by the appropriate authority.

(2) No fee shall be payable if the application is for a licence for an entertainment—

- (a) at a church hall, chapel hall or other similar building occupied in connection with a place of public religious worship ; or
- (b) at a village hall, parish or community hall or other similar building.

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(3) The appropriate authority may remit the whole or any part of the fee that would otherwise be payable for the grant, renewal or transfer of an entertainments licence, where in the opinion of the authority the entertainment in question—

- (a) is of an educational or other like character ; or
- (b) is given for a charitable or other like purpose.

8.—(1) Where, before the date of expiry of an entertainments licence, an application has been made for its renewal, it shall be deemed to remain in force notwithstanding that the date has passed until the withdrawal of the application or its determination by the appropriate authority.

(2) Where, before the date of expiry of an entertainments licence, an application has been made for its transfer, it shall be deemed to remain in force with any necessary modifications until the withdrawal of the application or its determination notwithstanding that the date has passed or that the person to whom the licence is to be transferred if the application is granted is carrying on at the place in respect of which the licence was granted the functions to which it relates.

Transmission and cancellation of entertainments licences

9. In the event of the death of the holder of an entertainments licence, the person carrying on at the place in respect of which the licence was granted the functions to which the licence relates shall be deemed to be the holder of the licence unless and until—

- (a) a legal personal representative of the deceased has been duly constituted ; or
- (b) the licence is transferred to some other person.

10. The appropriate authority may, at the written request of the holder of an entertainments licence, cancel the licence.

Power to prescribe standard terms, conditions and restrictions

11.—(1) The appropriate authority may make regulations prescribing standard conditions applicable to all, or any class of, entertainments licences, that is to say terms, conditions and restrictions on or subject to which such licences, or licences of that class, are in general to be granted, renewed or transferred by them.

(2) Regulations relating to entertainments to which paragraph 3 above applies may only prescribe standard conditions for the purposes specified in paragraph 4(4) above.

(3) Where the appropriate authority have made regulations under sub-paragraph (1) above, every such licence granted, renewed or transferred by them shall be presumed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or varied.

(4) Where the appropriate authority have made regulations under sub-paragraph (1) above, they shall, if so requested by any person,

supply him with a copy of the regulations on payment of such reasonable fee as the authority may determine.

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(5) In any legal proceedings the production of a copy of any regulations made by the appropriate authority under sub-paragraph (1) above purporting to be certified as a true copy by an officer of the authority authorised to give a certificate for the purposes of this paragraph shall be *prima facie* evidence of such regulations, and no proof shall be required of the handwriting or official position or authority of any person giving such a certificate.

Enforcement

12.—(1) If any entertainment to which paragraph 1, 2 or 3 above applies is provided at any place in respect of which a licence under the relevant paragraph is not in force, then, subject to sub-paragraph (3) below—

- (a) any person concerned in the organisation or management of that entertainment ; and
- (b) any other person who, knowing or having reasonable cause to suspect that such an entertainment would be so provided at the place,—
 - (i) allowed the place to be used for the provision of that entertainment ; or
 - (ii) let the place, or otherwise made it available, to any person by whom an offence in connection with that use of the place has been committed,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(2) If any place in respect of which a licence under paragraph 1, 2 or 4 above is in force is used for any entertainment otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held, then, subject to sub-paragraph (3) and to paragraph 13 below,—

- (a) the holder of the licence ; and
- (b) any other person who, knowing or having reasonable cause to suspect that the place would be so used,—
 - (i) allowed the place to be so used ; or
 - (ii) let the place, or otherwise made it available, to any person by whom an offence in connection with that use of the place has been committed,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(3) It shall be a defence for a person charged with an offence under this paragraph to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(4) Subject to paragraph 17 below, the authority by whom an entertainments licence was granted may revoke it if its holder is convicted of an offence under sub-paragraph (2)(a) above.

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1964 c. 26.

13. Where—

- (a) a special order of exemption has been granted in respect of premises under section 74(4) of the Licensing Act 1964; and
- (b) the premises form all or part of a place in respect of which a licence under paragraph 1 above is for the time being in force,

no person shall be guilty of an offence under paragraph 12(2) above by reason only of those premises being kept open on that special occasion for any of the purposes authorised by the licence after the latest hour so authorised but not later than the hour specified in that special order of exemption as the hour for closing.

14.—(1) Where—

- (a) a constable; or
- (b) an authorised officer of the appropriate authority; or
- (c) an authorised officer of the fire authority,

has reason to believe that an entertainment to which paragraph 1, 2 or 3 above applies is being, or is about to be, given in any place in respect of which an entertainments licence is for the time being in force, he may enter the place with a view to seeing whether the terms, conditions or restrictions on or subject to which the licence is held are complied with.

(2) An authorised officer of the fire authority may, on giving not less than 24 hours' notice to the occupier of any place in respect of which an entertainments licence is for the time being in force, enter the place for the purpose of—

- (a) inspecting the place to ensure that there are adequate fire precautions; and
- (b) seeing whether the terms, conditions or restrictions relating to fire precautions on or subject to which the licence is held are being complied with.

(3) A constable or authorised officer of the appropriate authority may enter any place in respect of which he has reason to suspect that an offence under paragraph 12 above is being committed if authorised to do so by a warrant granted by a justice of the peace.

(4) Where an authorised officer of the appropriate authority or of the fire authority enters any place in exercise of any power under this paragraph he shall, if required to do so by the occupier, produce to him his authority.

(5) Any person who without reasonable excuse refuses to permit a constable or officer to enter or inspect any place in accordance with the provisions of this paragraph shall be guilty of an offence and shall for every such refusal be liable on summary conviction to a fine not exceeding £200.

Provisional grant of licences

15.—(1) Where application is made to the appropriate authority for the grant of an entertainments licence in respect of premises

which are to be, or are in the course of being, constructed, extended or altered and the authority are satisfied that the premises would, if completed in accordance with plans deposited in accordance with the requirements of the authority, be such that they would grant the licence, the authority may grant the licence subject to a condition that it shall be of no effect until confirmed by them.

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(2) The authority shall confirm any licence granted by virtue of the foregoing sub-paragraph if and when they are satisfied that the premises have been completed in accordance with the plans referred to in sub-paragraph (1) above or in accordance with those plans as modified with the approval of the authority, and that the licence is held by a fit and proper person.

Variation of licences

16.—(1) The holder of an entertainments licence may at any time apply to the appropriate authority for such variations of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application.

(2) An authority to whom an application under sub-paragraph (1) above is made may—

- (a) make the variations specified in the application ;
- (b) make such variations as they think fit, including, subject to paragraph 4(4) above, the imposition of terms, conditions or restrictions other than those so specified ; or
- (c) refuse the application.

Appeals

17.—(1) Any of the following persons, that is to say—

- (a) an applicant for the grant, renewal or transfer of an entertainments licence in respect of any place whose application is refused ;
- (b) an applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused ;
- (c) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held ; or
- (d) a holder of any such licence whose licence is revoked under paragraph 12(4) above,

may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to the magistrates' court acting for the petty sessions area in which the place is situated.

(2) In this paragraph " the relevant date " means the date on which the person in question is notified of the refusal of his application, the imposition of the term, condition or restriction by which he is aggrieved or the revocation of his licence, as the case may be.

(3) An appeal against the decision of a magistrates' court under this paragraph may be brought to the Crown Court.

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(4) On an appeal to the magistrates' court or the Crown Court under this paragraph the court may make such order as it thinks fit.

(5) Subject to sub-paragraphs (6) to (9) below, it shall be the duty of the appropriate authority to give effect to an order of the magistrates' court or the Crown Court.

(6) The appropriate authority need not give effect to the order of the magistrates' court until the time for bringing an appeal under sub-paragraph (3) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(7) Where any entertainments licence is revoked under paragraph 12(4) above or an application for the renewal of such a licence is refused, the licence shall be deemed to remain in force—

(a) until the time for bringing an appeal under this paragraph has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and

(b) where an appeal relating to the refusal of an application for such a renewal is successful and no further appeal is available, until the licence is renewed by the appropriate authority.

(8) Where—

(a) the holder of an entertainments licence makes an application under paragraph 16 above; and

(b) the appropriate authority impose any term, condition or restriction other than one specified in the application,

the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired.

(9) Where an appeal is brought under this paragraph against the imposition of any such term, condition or restriction, the licence shall be deemed to be free of the term, condition or restriction until the determination or abandonment of the appeal.

Miscellaneous

1961 c. 64.

18. Where a place in respect of which an entertainments licence has been granted constitutes a roller skating rink within the meaning of section 75(2)(b) of the Public Health Act 1961, it shall not be subject to any byelaws made under section 75 for so long as the licence is in force.

Savings and transitional provisions

19.—(1) Any licence relating to public entertainments which was granted under an enactment repealed by this Act and which is in force immediately before the commencement date—

(a) shall have effect as from the commencement date as if granted under this Act by the appropriate authority on and subject to terms, conditions and restrictions corresponding to those on and subject to which it is held immediately before the commencement date; and

- (b) in the case of a licence granted or renewed for a specified period, shall remain in force, subject to paragraphs 10, 12(4) and 16(2) of this Schedule, for so much of that period as falls on or after the commencement date. SCH. 1

(2) Where an appeal under any enactment mentioned in subparagraph (1) above has been brought in respect of a licence before the commencement date but has not been determined or abandoned before that date, the provisions of paragraph 17 above shall apply to proceedings relating to the appeal as if the appeal had been brought under that paragraph.

20.—(1) Nothing in this Schedule shall affect—

- (a) the application of the Private Places of Entertainment (Licensing) Act 1967 to any area in respect of which an adoption has been made under section 1 of that Act; or
(b) the validity of any licence granted under that Act before the commencement date.

(2) Where by virtue of such an adoption made before the commencement date the Private Places of Entertainment (Licensing) Act 1967 applies to part only of a district, the district council may adopt that Act in respect of the remaining part of that district.

21. Nothing in this Schedule shall affect—

- (a) section 3 of the Sunday Entertainments Act 1932; 1932 c. 51.
(b) section 7 of the Cinematograph Act 1952; 1952 c. 68.
(c) paragraph 1 of Schedule 3 to the Revision of the Army and Air Force Acts (Transitional Provisions) Act 1955; 1955 c. 20.
(d) section 182(1) of the Licensing Act 1964; 1964 c. 26.
(e) section 12 of the Theatres Act 1968; or 1968 c. 54.
(f) section 31 of the Fire Precautions Act 1971. 1971 c. 40.

Supplemental

22. In this Schedule—

“the appropriate authority” means—

(i) in relation to any place in England and Wales, the district council for the area in which the place is situated; or

(ii) in relation to any place situated in the Isles of Scilly, the Council of the Isles of Scilly;

“the chief officer of police”, in relation to any place, means the chief officer of police for the police area in which the place is situated;

“the commencement date” means 1st January 1983;

“an entertainments licence” means a licence granted under this Schedule;

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1947 c. 41. “fire authority”, in relation to any place, means the authority discharging in the area in which the place is situated the functions of fire authority under the Fire Services Act 1947;
- 1914 c. 91. “place of public religious worship” means a place of public religious worship which belongs to the Church of England or to the Church in Wales (within the meaning of the Welsh Church Act 1914), or which is for the time being certified as required by law as a place of religious worship;
- 1961 c. 64. “pleasure fair” has the meaning assigned to it by section 75(2)(a) of the Public Health Act 1961.

Section 1.

SCHEDULE 2

AMENDMENTS CONSEQUENTIAL ON SECTION 1

Hypnotism Act 1952 (c. 46)

1. For section 2(4) of the Hypnotism Act 1952 (control of demonstrations of hypnotism at places not licensed for public entertainment) there shall be substituted the following subsection—

“(4) In this section, the expression “controlling authority” in relation to a place in any area means the authority having power to grant licences of the kind mentioned in section 1 above in that area.”.

Private Places of Entertainment (Licensing) Act 1967 (c. 19)

2. In section 1(1) of the Private Places of Entertainment (Licensing) Act 1967 (power to adopt that Act in certain areas) for the words from “in which any” to the end there shall be substituted the words “specified in the first column of Part I of the Schedule to this Act.”.

3. In section 2 of that Act (certain private places of entertainment to require licences)—

- (a) in subsection (1)(a) for the words from “public” to “area” there shall be substituted the words “a public entertainment”; and
- (b) in subsection (2)(a) for the words “any enactment mentioned in section 1(1) of this Act” there shall be substituted the words “paragraph 1 of Schedule 12 to the London Government Act 1963 (which provides for the licensing of premises used for public music or dancing in London) or paragraph 1 or 4 of Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 (which taken together make similar provision for other areas in England and Wales)”.
- 1963 c. 33.

4. For Part I of the Schedule to that Act there shall be substituted the following— SCH. 2

“ PART I

ADOPTING AND LICENSING AUTHORITIES

Area	Authority which may adopt this Act	Licensing authority
A district.	The council of the district.	The council of the district.
A London borough.	The Greater London Council acting with the consent of the council of the borough.	The Greater London Council.
The City of London.	The Greater London Council acting with the consent of the Common Council.	The Greater London Council.
The Isles of Scilly.	The Council of the Isles of Scilly.	The Council of the Isles of Scilly”.

Licensing Act 1964 (c. 26)

5. In section 79(1) of the Licensing Act 1964 (licensing authority's certificate of suitability of club premises for music and dancing) for the words from “and which are” to “those regulations” there shall be substituted the words “, the licensing authority under the statutory regulations for music and dancing”.

6. In section 201(1) of that Act for the words after the word “means” in the definition of “statutory regulations for music and dancing” there shall be substituted—

- “ (i) Schedule 12 to the London Government Act 1963 ; or 1963 c. 33.
(ii) Schedule 1 to the Local Government (Miscellaneous Provisions) Act 1982 ; ”.

SCHEDULE 3

Section 2.

CONTROL OF SEX ESTABLISHMENTS

Saving for existing law

1. Nothing in this Schedule—

- (a) shall afford a defence to a charge in respect of any offence at common law or under an enactment other than this Schedule ; or

shall be taken into account in any way—

- (i) at a trial for such an offence ; or
(ii) in proceedings for forfeiture under section 3 of the Obscene Publications Act 1959 or section 5 of the 1959 c. 66.
Protection of Children Act 1978 ; or 1978 c. 37.
(iii) in proceedings for condemnation under Schedule 3 to the Customs and Excise Management Act 1979 of 1979 c. 2.
goods which section 42 of the Customs Consolidation Act 1876 prohibits to be imported or brought into the United Kingdom as being indecent or obscene ; or 1876 c. 36.

- SCH. 3 (c) shall in any way limit the other powers exercisable under any of those Acts.

Meaning of "sex establishment"

2. In this Schedule "sex establishment" means a sex cinema or a sex shop.

Meaning of "sex cinema"

3.—(1) In this Schedule, "sex cinema" means any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced, which—

(a) are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage—

(i) sexual activity ; or

(ii) acts of force or restraint which are associated with sexual activity ; or

(b) are concerned primarily with the portrayal of, or primarily deal with or relate to, genital organs or urinary or excretory functions,

but does not include a dwelling-house to which the public is not admitted.

(2) No premises shall be treated as a sex cinema by reason only—

1909 c. 30. (a) if they are licensed under the Cinematograph Act 1909, of their use for a purpose for which a licence under that Act is required ; or

1952 c. 68. (b) of their use for an exempted exhibition as defined in section 5 of the Cinematograph Act 1952 (which relates to exemptions from the requirements of that Act for non-commercial organisations) by an exempted organisation within the meaning of section 5(4) of that Act.

Meaning of "sex shop" and "sex article"

4.—(1) In this Schedule "sex shop" means any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating—

(a) sex articles ; or

(b) other things intended for use in connection with, or for the purpose of stimulating or encouraging—

(i) sexual activity ; or

(ii) acts of force or restraint which are associated with sexual activity.

(2) No premises shall be treated as a sex shop by reason only of their use for the exhibition of moving pictures by whatever means produced.

(3) In this Schedule "sex article" means—

(a) anything made for use in connection with, or for the purpose of stimulating or encouraging—

(i) sexual activity ; or

- (ii) acts of force or restraint which are associated with sexual activity ; and
- (b) anything to which sub-paragraph (4) below applies.
- (4) This sub-paragraph applies—
 - (a) to any article containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article ; and
 - (b) to any recording of vision or sound,
 which—
 - (i) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity ; or
 - (ii) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

Miscellaneous definitions

5.—(1) In this Schedule—

- “the appropriate authority” means, in relation to any area for which a resolution has been passed under section 2 above, the local authority who passed it ;
- “the chief officer of police”, in relation to any locality, means the chief officer of police for the police area in which the locality is situated ; and
- “vessel” includes any ship, boat, raft or other apparatus constructed or adapted for floating on water.

(2) This Schedule applies to hovercraft as it applies to vessels.

Requirement for licences for sex establishments

6.—(1) Subject to the provisions of this Schedule, no person shall in any area in which this Schedule is in force use any premises, vehicle, vessel or stall as a sex establishment except under and in accordance with the terms of a licence granted under this Schedule by the appropriate authority.

(2) Sub-paragraph (1) above does not apply to the sale, supply or demonstration of articles which—

- (a) are manufactured for use primarily for the purposes of birth control ; or
- (b) primarily relate to birth control.

7.—(1) Any person who—

- (a) uses any premises, vehicle, vessel or stall as a sex establishment ; or
- (b) proposes to do so,

may apply to the appropriate authority for them to waive the requirement of a licence.

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(2) An application under this paragraph may be made either as part of an application for a licence under this Schedule or without any such application.

(3) An application under this paragraph shall be made in writing and shall contain the particulars specified in paragraph 10(2) to (5) below and such particulars as the appropriate authority may reasonably require in addition.

(4) The appropriate authority may waive the requirement of a licence in any case where they consider that to require a licence would be unreasonable or inappropriate.

(5) A waiver may be for such period as the appropriate authority think fit.

(6) Where the appropriate authority grant an application for a waiver, they shall give the applicant for the waiver notice that they have granted his application.

(7) The appropriate authority may at any time give a person who would require a licence but for a waiver notice that the waiver is to terminate on such date not less than 28 days from the date on which they give the notice as may be specified in the notice.

Grant, renewal and transfer of licences for sex establishments

8. Subject to paragraph 12(1) below, the appropriate authority may grant to any applicant, and from time to time renew, a licence under this Schedule for the use of any premises, vehicle, vessel or stall specified in it for a sex establishment on such terms and conditions and subject to such restrictions as may be so specified.

9.—(1) Subject to paragraphs 11 and 27 below, any licence under this Schedule shall, unless previously cancelled under paragraph 16 or revoked under paragraph 17(1) below, remain in force for one year or for such shorter period specified in the licence as the appropriate authority may think fit.

(2) Where a licence under this Schedule has been granted to any person, the appropriate authority may, if they think fit, transfer that licence to any other person on the application of that other person.

10.—(1) An application for the grant, renewal or transfer of a licence under this Schedule shall be made in writing to the appropriate authority.

(2) An application made otherwise than by or on behalf of a body corporate or an unincorporated body shall state—

- (a) the full name of the applicant ;
- (b) his permanent address ; and
- (c) his age.

(3) An application made by a body corporate or an unincorporated body shall state—

- (a) the full name of the body ;

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- (b) the address of its registered or principal office ; and
- (c) the full names and private addresses of the directors or other persons responsible for its management.

(4) An application relating to premises shall state the full address of the premises.

(5) An application relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.

(6) Every application shall contain such particulars as the appropriate authority may reasonably require in addition to any particulars required under sub-paragraphs (2) to (5) above.

(7) An applicant for the grant, renewal or transfer of a licence under this Schedule shall give public notice of the application.

(8) Notice shall in all cases be given by publishing an advertisement in a local newspaper circulating in the appropriate authority's area.

(9) The publication shall not be later than 7 days after the date of the application.

(10) Where the application is in respect of premises, notice of it shall in addition be displayed for 21 days beginning with the date of the application on or near the premises and in a place where the notice can conveniently be read by the public.

(11) Every notice under this paragraph which relates to premises shall identify the premises.

(12) Every such notice which relates to a vehicle, vessel or stall shall specify where it is to be used as a sex establishment.

(13) Subject to sub-paragraphs (11) and (12) above, a notice under this paragraph shall be in such form as the appropriate authority may prescribe.

(14) An applicant for the grant, renewal or transfer of a licence under this Schedule shall, not later than 7 days after the date of the application, send a copy of the application to the chief officer of police.

(15) Any person objecting to an application for the grant, renewal or transfer of a licence under this Schedule shall give notice in writing of his objection to the appropriate authority, stating in general terms the grounds of the objection, not later than 28 days after the date of the application.

(16) Where the appropriate authority receive notice of any objection under sub-paragraph (15) above, the authority shall, before considering the application, give notice in writing of the general terms of the objection to the applicant.

(17) The appropriate authority shall not without the consent of the person making the objection reveal his name or address to the applicant.

(18) In considering any application for the grant, renewal or transfer of a licence the appropriate authority shall have regard to any

SCH. 3 observations submitted to them by the chief officer of police and any objections of which notice has been sent to them under sub-paragraph (15) above.

(19) The appropriate authority shall give an opportunity of appearing before and of being heard by a committee or sub-committee of the authority—

- (a) before refusing to grant a licence, to the applicant ;
- (b) before refusing to renew a licence, to the holder ; and
- (c) before refusing to transfer a licence, to the holder and the person to whom he desires that it shall be transferred.

(20) Where the appropriate authority refuse to grant, renew or transfer a licence, they shall, if required to do so by the applicant or holder of the licence, give him a statement in writing of the reasons for their decision within 7 days of his requiring them to do so.

11.—(1) Where, before the date of expiry of a licence, an application has been made for its renewal, it shall be deemed to remain in force notwithstanding that the date has passed until the withdrawal of the application or its determination by the appropriate authority.

(2) Where, before the date of expiry of a licence, an application has been made for its transfer, it shall be deemed to remain in force with any necessary modifications until the withdrawal of the application or its determination, notwithstanding that the date has passed or that the person to whom the licence is to be transferred if the application is granted is carrying on the business of the sex establishment.

Refusal of licences

12.—(1) A licence under this Schedule shall not be granted—

- (a) to a person under the age of 18 ; or
- (b) to a person who is for the time being disqualified under paragraph 17(3) below ; or
- (c) to a person, other than a body corporate, who is not resident in the United Kingdom or was not so resident throughout the period of six months immediately preceding the date when the application was made ; or
- (d) to a body corporate which is not incorporated in the United Kingdom ; or
- (e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

(2) Subject to paragraph 27 below, the appropriate authority may refuse—

- (a) an application for the grant or renewal of a licence on one or more of the grounds specified in sub-paragraph (3) below ;

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- (b) an application for the transfer of a licence on either or both of the grounds specified in paragraphs (a) and (b) of that sub-paragraph.
- (3) The grounds mentioned in sub-paragraph (2) above are—
 - (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason ;
 - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself ;
 - (c) that the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority consider is appropriate for that locality ;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard—
 - (i) to the character of the relevant locality ; or
 - (ii) to the use to which any premises in the vicinity are put ; or
 - (iii) to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- (4) Nil may be an appropriate number for the purposes of sub-paragraph (3)(c) above.
- (5) In this paragraph “ the relevant locality ” means—
 - (a) in relation to premises, the locality where they are situated ; and
 - (b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

Power to prescribe standard conditions

13.—(1) Subject to the provisions of this Schedule, the appropriate authority may make regulations prescribing standard conditions applicable to licences for sex establishments, that is to say, terms, conditions and restrictions on or subject to which licences under this Schedule are in general to be granted, renewed or transferred by them.

(2) Regulations under sub-paragraph (1) above may make different provision—

- (a) for sex cinemas and sex shops ; and
- (b) for different kinds of sex cinemas and sex shops.

(3) Without prejudice to the generality of sub-paragraphs (1) and (2) above, regulations under this paragraph may prescribe conditions regulating—

- (a) the hours of opening and closing of sex establishments ;
- (b) displays or advertisements on or in such establishments ;

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(c) the visibility of the interior of sex establishments to passers-by; and

(d) any change of a sex cinema to a sex shop or a sex shop to a sex cinema.

(4) Where the appropriate authority have made regulations under sub-paragraph (1) above, every such licence granted, renewed or transferred by them shall be presumed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or varied.

(5) Where the appropriate authority have made regulations under sub-paragraph (1) above, they shall, if so requested by any person, supply him with a copy of the regulations on payment of such reasonable fee as the authority may determine.

(6) In any legal proceedings the production of a copy of any regulations made by the appropriate authority under sub-paragraph (1) above purporting to be certified as a true copy by an officer of the authority authorised to give a certificate for the purposes of this paragraph shall be prima facie evidence of such regulations, and no proof shall be required of the handwriting or official position or authority of any person giving such certificate.

Copies of licences and standard conditions

14.—(1) The holder of a licence under this Schedule shall keep exhibited in a suitable place to be specified in the licence a copy of the licence and any regulations made under paragraph 13(1) above which prescribe standard conditions subject to which the licence is held.

(2) The appropriate authority shall send a copy of any licence granted under this Schedule to the chief officer of police for the area where the sex establishment is situated.

Transmission and cancellation of licences

15.—In the event of the death of the holder of a licence granted under this Schedule, that licence shall be deemed to have been granted to his personal representatives and shall, unless previously revoked, remain in force until the end of the period of 3 months beginning with the death and shall then expire; but the appropriate authority may from time to time, on the application of those representatives, extend or further extend the period of three months if the authority are satisfied that the extension is necessary for the purpose of winding up the deceased's estate and that no other circumstances make it undesirable.

16. The appropriate authority may, at the written request of the holder of a licence, cancel the licence.

Revocation of licences

17.—(1) The appropriate authority may, after giving the holder of a licence under this Schedule an opportunity of appearing before and being heard by them, at any time revoke the licence—

(a) on any ground specified in sub-paragraph (1) of paragraph 12 above; or

- (b) on either of the grounds specified in sub-paragraph (3)(a) and (b) of that paragraph.

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(2) Where a licence is revoked, the appropriate authority shall, if required to do so by the person who held it, give him a statement in writing of the reasons for their decision within 7 days of his requiring them to do so.

(3) Where a licence is revoked, its holder shall be disqualified from holding or obtaining a licence in the area of the appropriate authority for a period of 12 months beginning with the date of revocation.

Variation of licences

18.—(1) The holder of a licence under this Schedule may at any time apply to the appropriate authority for any such variation of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application.

(2) The appropriate authority—

- (a) may make the variation specified in the application ; or
- (b) may make such variations as they think fit ; or
- (c) may refuse the application.

(3) The variations that an authority may make by virtue of sub-paragraph (2)(b) above include, without prejudice to the generality of that sub-paragraph, variations involving the imposition of terms, conditions or restrictions other than those specified in the application.

Fees

19. An applicant for the grant, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority.

Enforcement

20.—(1) A person who—

- (a) knowingly uses, or knowingly causes or permits the use of, any premises, vehicle, vessel or stall contrary to paragraph 6 above ; or
- (b) being the holder of a licence for a sex establishment, employs in the business of the establishment any person known to him to be disqualified from holding such a licence ; or
- (c) being the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence ; or
- (d) being the servant or agent of the holder of a licence under this Schedule, without reasonable excuse knowingly contravenes, or without reasonable excuse knowingly permits the contravention of, a term, condition or restriction specified in the licence,

shall be guilty of an offence.

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21. Any person who, in connection with an application for the grant, renewal or transfer of a licence under this Schedule, makes a false statement which he knows to be false in any material respect or which he does not believe to be true, shall be guilty of an offence.

22.—(1) A person guilty of an offence under paragraph 20 or 21 above shall be liable on summary conviction to a fine not exceeding £10,000.

(2) A person who, being the holder of a licence under this Schedule, fails without reasonable excuse to comply with paragraph 14(1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

Offences relating to persons under 18

23.—(1) A person who, being the holder of a licence for a sex establishment—

- (a) without reasonable excuse knowingly permits a person under 18 years of age to enter the establishment ; or
- (b) employs a person known to him to be under 18 years of age in the business of the establishment,

shall be guilty of an offence.

(2) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding £10,000.

Powers of constables and local authority officers

24. If a constable has reasonable cause to suspect that a person has committed an offence under paragraph 20 or 23 above, he may require him to give his name and address, and if that person refuses or fails to do so, or gives a name or address which the constable reasonably suspects to be false, the constable may arrest him without warrant.

25.—(1) A constable may, at any reasonable time, enter and inspect any sex establishment in respect of which a licence under this Schedule is for the time being in force, with a view to seeing—

- (i) whether the terms, conditions or restrictions on or subject to which the licence is held are complied with ;
- (ii) whether any person employed in the business of the establishment is disqualified from holding a licence under this Schedule ;
- (iii) whether any person under 18 years of age is in the establishment ; and
- (iv) whether any person under that age is employed in the business of the establishment.

(2) Subject to sub-paragraph (4) below, a constable may enter and inspect a sex establishment if he has reason to suspect that an offence

under paragraph 20, 21 or 23 above has been, is being, or is about to be committed in relation to it.

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(3) An authorised officer of a local authority may exercise the powers conferred by sub-paragraphs (1) and (2) above in relation to a sex establishment in the local authority's area.

(4) No power conferred by sub-paragraph (2) above may be exercised by a constable or an authorised officer of a local authority unless he has been authorised to exercise it by a warrant granted by a justice of the peace.

(5) Where an authorised officer of a local authority exercises any such power, he shall produce his authority if required to do so by the occupier of the premises or the person in charge of the vehicle, vessel or stall in relation to which the power is exercised.

(6) Any person who without reasonable excuse refuses to permit a constable or an authorised officer of a local authority to exercise any such power shall be guilty of an offence and shall for every such refusal be liable on summary conviction to a fine not exceeding £1,000.

Offences by bodies corporate

26.—(1) Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

(2) Where the affairs of a body corporate are managed by its members sub-paragraph (1) above shall apply to the acts and defaults of a member in connection with his function of management as if he were a director of the body corporate.

Appeals

27.—(1) Subject to sub-paragraphs (2) and (3) below, any of the following persons, that is to say—

- (a) an applicant for the grant, renewal or transfer of a licence under this Schedule whose application is refused ;
- (b) an applicant for the variation of the terms, conditions or restrictions on or subject to which any such licence is held whose application is refused ;
- (c) a holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held ; or
- (d) a holder of any such licence whose licence is revoked,

may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to the magistrates' court acting for the relevant area.

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(2) An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in paragraph 12(1) above shall not have a right to appeal under this paragraph unless the applicant seeks to show that the ground did not apply to him.

(3) An applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph 12(3)(c) or (d) above shall not have the right to appeal under this paragraph.

(4) In this paragraph—

“the relevant area” means—

(a) in relation to premises, the petty sessions area in which they are situated; and

(b) in relation to a vehicle, vessel or stall, the petty sessions area in which it is used or, as the case may be, desired to be used as a sex establishment; and

“the relevant date” means the date on which the person in question is notified of the refusal of his application, the imposition of the term, condition or restriction by which he is aggrieved or the revocation of his licence, as the case may be.

(5) An appeal against the decision of a magistrates’ court under this paragraph may be brought to the Crown Court.

1981 c. 54.

(6) Where an appeal is brought to the Crown Court under sub-paragraph (5) above, the decision of the Crown Court shall be final: and accordingly in section 28(2)(b) of the Supreme Court Act 1981 for the words “or the Gaming Act 1968” there shall be substituted the words “, the Gaming Act 1968 or the Local Government (Miscellaneous Provisions) Act 1982”.

(7) On an appeal to the magistrates’ court or the Crown Court under this paragraph the court may make such order as it thinks fit.

(8) Subject to sub-paragraphs (9) to (12) below, it shall be the duty of the appropriate authority to give effect to an order of the magistrates’ court or the Crown Court.

(9) The appropriate authority need not give effect to the order of the magistrates’ court until the time for bringing an appeal under sub-paragraph (5) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(10) Where a licence is revoked or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force—

(a) until the time for bringing an appeal under this paragraph has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and

(b) where an appeal relating to the refusal of an application for such a renewal is successful and no further appeal is available, until the licence is renewed by the appropriate authority.

(11) Where—

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- (a) the holder of a licence makes an application under paragraph 18 above ; and
 - (b) the appropriate authority impose any term, condition or restriction other than one specified in the application,
- the licence shall be deemed to be free of it until the time for bringing an appeal under this paragraph has expired.

(12) Where an appeal is brought under this paragraph against the imposition of any such term, condition or restriction, the licence shall be deemed to be free of it until the determination or abandonment of the appeal.

Provisions relating to existing premises

28.—(1) Without prejudice to any other enactment it shall be lawful for any person who—

- (a) was using any premises, vehicle, vessel or stall as a sex establishment immediately before the date of the first publication under subsection (2) of section 2 above of a notice of the passing of a resolution under that section by the local authority for the area ; and
 - (b) had before the appointed day duly applied to the appropriate authority for a licence for the establishment,
- to continue to use the premises, vehicle, vessel or stall as a sex establishment until the determination of his application.

(2) In this paragraph and paragraph 29 below “the appointed day”, in relation to any area, means the day specified in the resolution passed under section 2 above as the date upon which this Schedule is to come into force in that area.

29.—(1) This paragraph applies to an application for the grant of a licence under this Schedule made before the appointed day.

(2) A local authority shall not consider any application to which this paragraph applies before the appointed day.

(3) A local authority shall not grant any application to which this paragraph applies until they have considered all such applications.

(4) In considering which of several applications to which this paragraph applies should be granted a local authority shall give preference over other applicants to any applicant who satisfies them—

- (a) that he is using the premises, vehicle, vessel or stall to which the application relates as a sex establishment ; and
- (b) that some person was using the premises, vehicle, vessel or stall as a sex establishment on 22nd December 1981 ; and
- (c) that—
 - (i) he is that person ; or
 - (ii) he is a successor of that person in the business or activity which was being carried on there on that date.

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Commencement of Schedule

30.—(1) So far as it relates to sex cinemas, this Schedule shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and accordingly, until the day so appointed, this Schedule shall have effect—

- (a) with the omission—
 - (i) of paragraph 3 above ; and
 - (ii) of paragraph 13(3)(d) above ;
- (b) as if any reference to a sex establishment were a reference only to a sex shop ; and
- (c) as if for paragraphs (a) and (b) of paragraph 13(2) above there were substituted the words “for different kinds of sex shops”.

(2) Subject to sub-paragraph (1) above, this Schedule shall come into force on the day on which this Act is passed.

(3) Where, in relation to any area, the day appointed under sub-paragraph (1) above falls after the day specified in a resolution passed under section 2 above as the day upon which this Schedule is to come into force in that area, the day so appointed shall, for the purposes of paragraphs 28 and 29 above, be the appointed day in relation to sex cinemas in the area.

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SCHEDULE 4

STREET TRADING

Interpretation

1.—(1) In this Schedule—

“consent street” means a street in which street trading is prohibited without the consent of the district council ;

“licence street” means a street in which street trading is prohibited without a licence granted by the district council ;

“principal terms”, in relation to a street trading licence, has the meaning assigned to it by paragraph 4(3) below ;

“prohibited street” means a street in which street trading is prohibited ;

“street” includes—

(a) any road, footway, beach or other area to which the public have access without payment ; and

(b) a service area as defined in section 329 of the Highways Act 1980,

and also includes any part of a street ;

“street trading” means, subject to sub-paragraph (2) below, the selling or exposing or offering for sale of any article (including a living thing) in a street ; and

“subsidiary terms”, in relation to a street trading licence, has the meaning assigned to it by paragraph 4(4) below.

(2) The following are not street trading for the purposes of this Schedule— SCH. 4

- (a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871 c. 96. 1871 ;
- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order.
- (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980 c. 66. 1980 ;
- (d) trading as a news vendor ;
- (e) trading which—
 - (i) is carried on at premises used as a petrol filling station ; or
 - (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop ;
- (f) selling things, or offering or exposing them for sale, as a roundsman ;
- (g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway ;
- (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980 ;
- (j) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916. 1916 c. 31.

(3) The reference to trading as a news vendor in sub-paragraph (2)(d) above is a reference to trading where—

- (a) the only articles sold or exposed or offered for sale are newspapers or periodicals ; and
- (b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not—
 - (i) exceed one metre in length or width or two metres in height ;
 - (ii) occupy a ground area exceeding 0.25 square metres ;
 - or
 - (iii) stand on the carriageway of a street.

Designation of streets

2.—(1) A district council may by resolution designate any street in their district as—

- (a) a prohibited street ;
- (b) a licence street ; or
- (c) a consent street.

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(2) If a district council pass such a resolution as is mentioned in sub-paragraph (1) above, the designation of the street shall take effect on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).

(3) A council shall not pass such a resolution unless—

(a) they have published notice of their intention to pass such a resolution in a local newspaper circulating in their area ;

(b) they have served a copy of the notice—

(i) on the chief officer of police for the area in which the street to be designated by the resolution is situated ; and

(ii) on any highway authority responsible for that street ; and

(c) where sub-paragraph (4) below applies, they have obtained the necessary consent.

(4) This sub-paragraph applies—

(a) where the resolution relates to a street which is owned or maintainable by a relevant corporation ; and

(b) where the resolution designates as a licence street any street maintained by a highway authority ;

and in sub-paragraph (3) above “ necessary consent ” means—

(i) in the case mentioned in paragraph (a) above, the consent of the relevant corporation ; and

(ii) in the case mentioned in paragraph (b) above, the consent of the highway authority.

(5) The following are relevant corporations for the purposes of this paragraph—

(a) the British Railways Board ;

(b) the Commission for the New Towns ;

(c) a development corporation for a new town ;

(d) an urban development corporation established under the Local Government, Planning and Land Act 1980 ; and

(e) the Development Board for Rural Wales.

1980 c. 65.

(6) The notice referred to in sub-paragraph (3) above—

(a) shall contain a draft of the resolution ; and

(b) shall state that representations relating to it may be made in writing to the council within such period, not less than 28 days after publication of the notice, as may be specified in the notice.

(7) As soon as practicable after the expiry of the period specified under sub-paragraph (6) above, the council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.

(8) After the council have considered those representations, they may, if they think fit, pass such a resolution relating to the street as is mentioned in sub-paragraph (1) above.

(9) The council shall publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in their area.

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(10) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

(11) Where a street is designated as a licence street, the council may resolve—

- (a) in the resolution which so designates the street ; or
- (b) subject to sub-paragraph (12) below, by a separate resolution at any time,

that a street trading licence is not to be granted to any person who proposes to trade in the street for a number of days in every week less than a number specified in the resolution.

(12) Sub-paragraphs (3)(a) and (6) to (10) above shall apply in relation to a resolution under sub-paragraph (11)(b) above as they apply in relation to a resolution under sub-paragraph (1) above.

(13) Any resolution passed under this paragraph may be varied or rescinded by a subsequent resolution so passed.

Street trading licences

3.—(1) An application for a street trading licence or the renewal of such a licence shall be made in writing to the district council.

(2) The applicant shall state—

- (a) his full name and address ;
- (b) the street in which, days on which and times between which he desires to trade ;
- (c) the description of articles in which he desires to trade and the description of any stall or container which he desires to use in connection with his trade in those articles ; and
- (d) such other particulars as the council may reasonably require.

(3) If the council so require, the applicant shall submit two photographs of himself with his application.

(4) A street trading licence shall not be granted—

- (a) to a person under the age of 17 years ; or
- (b) for any trading in a highway in relation to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 (road-side sales) is in force, other than trading to which the control order does not apply.

(5) Subject to sub-paragraph (4) above, it shall be the duty of the council to grant an application for a street trading licence or the renewal of such a licence unless they consider that the application ought to be refused on one or more of the grounds specified in sub-paragraph (6) below.

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(6) Subject to sub-paragraph (8) below, the council may refuse an application on any of the following grounds—

- (a) that there is not enough space in the street for the applicant to engage in the trading in which he desires to engage without causing undue interference or inconvenience to persons using the street ;
- (b) that there are already enough traders trading in the street from shops or otherwise in the goods in which the applicant desires to trade ;
- (c) that the applicant desires to trade on fewer days than the minimum number specified in a resolution under paragraph 2(11) above ;
- (d) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason ;
- (e) that the applicant has at any time been granted a street trading licence by the council and has persistently refused or neglected to pay fees due to them for it or charges due to them under paragraph 9(6) below for services rendered by them to him in his capacity as licence-holder ;
- (f) that the applicant has at any time been granted a street trading consent by the council and has persistently refused or neglected to pay fees due to them for it ;
- (g) that the applicant has without reasonable excuse failed to avail himself to a reasonable extent of a previous street trading licence.

(7) If the council consider that grounds for refusal exist under sub-paragraph (6)(a), (b) or (g) above, they may grant the applicant a licence which permits him—

- (a) to trade on fewer days or during a shorter period in each day than specified in the application ; or
- (b) to trade only in one or more of the descriptions of goods specified in the application.

(8) If—

- (a) a person is licensed or otherwise authorised to trade in a street under the provisions of any local Act ; and
 - (b) the street becomes a licence street ; and
 - (c) he was trading from a fixed position in the street immediately before it became a licence street ; and
 - (d) he applied for a street trading licence to trade in the street,
- his application shall not be refused on any of the grounds mentioned in sub-paragraph (6)(a) to (c) above.

4.—(1) A street trading licence shall specify—

- (a) the street in which, days on which and times between which the licence-holder is permitted to trade ; and
- (b) the description of articles in which he is permitted to trade.

(2) If the district council determine that a licence-holder is to confine his trading to a particular place in the street, his street trading licence shall specify that place.

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(3) Matters that fall to be specified in a street trading licence by virtue of sub-paragraph (1) or (2) above are referred to in this Schedule as the "principal terms" of the licence.

(4) When granting or renewing a street trading licence, the council may attach such further conditions (in this Schedule referred to as the "subsidiary terms" of the licence) as appear to them to be reasonable.

(5) Without prejudice to the generality of sub-paragraph (4) above, the subsidiary terms of a licence may include conditions—

- (a) specifying the size and type of any stall or container which the licence-holder may use for trading ;
- (b) requiring that any stall or container so used shall carry the name of the licence-holder or the number of his licence or both ; and
- (c) prohibiting the leaving of refuse by the licence-holder or restricting the amount of refuse which he may leave or the places in which he may leave it.

(6) A street trading licence shall, unless previously revoked or surrendered, remain valid for a period of 12 months from the date on which it is granted or, if a shorter period is specified in the licence, for that period.

(7) If a district council resolve that the whole or part of a licence street shall be designated a prohibited street, then, on the designation taking effect, any street trading licence issued for trading in that street shall cease to be valid so far as it relates to the prohibited street.

5.—(1) A district council may at any time revoke a street trading licence if they consider—

- (a) that, owing to circumstances which have arisen since the grant or renewal of the licence, there is not enough space in the street for the licence-holder to engage in the trading permitted by the licence without causing undue interference or inconvenience to persons using the street ;
- (b) that the licence-holder is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason ;
- (c) that, since the grant or renewal of the licence, the licence-holder has persistently refused or neglected to pay fees due to the council for it or charges due to them under paragraph 9(6) below for services rendered by them to him in his capacity as licence-holder ; or
- (d) that, since the grant or renewal of the licence, the licence-holder has without reasonable excuse failed to avail himself of the licence to a reasonable extent.

(2) If the council consider that they have ground for revoking a licence by virtue of sub-paragraph (1)(a) or (d) above, they may, instead of revoking it, vary its principal terms—

- (a) by reducing the number of days or the period in any one day during which the licence-holder is permitted to trade ; or

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- (b) by restricting the descriptions of goods in which he is permitted to trade.

(3) A licence-holder may at any time surrender his licence to the council and it shall then cease to be valid.

6.—(1) When a district council receive an application for the grant or renewal of a street trading licence, they shall within a reasonable time—

- (a) grant a licence in the terms applied for ; or
(b) serve notice on the applicant under sub-paragraph (2) below.

(2) If the council propose—

- (a) to refuse an application for the grant or renewal of a licence ; or
(b) to grant a licence on principal terms different from those specified in the application ; or
(c) to grant a licence confining the applicant's trading to a particular place in a street ; or
(d) to vary the principal terms of a licence ; or
(e) to revoke a licence,

they shall first serve a notice on the applicant or, as the case may be, the licence-holder—

(i) specifying the ground or grounds on which their decision would be based ; and

(ii) stating that within 7 days of receiving the notice he may in writing require them to give him an opportunity to make representations to them concerning it.

(3) Where a notice has been served under sub-paragraph (2) above, the council shall not determine the matter until either—

- (a) the person on whom it was served has made representations to them concerning their decision ; or
(b) the period during which he could have required them to give him an opportunity to make representations has elapsed without his requiring them to give him such an opportunity ; or
(c) the conditions specified in sub-paragraph (4) below are satisfied.

(4) The conditions mentioned in sub-paragraph (3)(c) above are—

- (a) that the person on whom the notice under sub-paragraph (2) above was served has required the council to give him an opportunity to make representations to them concerning it, as provided by sub-paragraph (2)(ii) above ;
(b) that the council have allowed him a reasonable period for making his representations ; and
(c) that he has failed to make them within that period.

(5) A person aggrieved—

- (a) by the refusal of a council to grant or renew a licence, where—
(i) they specified in their notice under sub-paragraph (2) above one of the grounds mentioned in paragraph

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3(6)(d) to (g) above as the only ground on which their decision would be based ; or

(ii) they specified more than one ground in that notice but all the specified grounds were grounds mentioned in those paragraphs ; or

(b) by a decision of a council to grant him a licence with principal terms different from those of a licence which he previously held, where they specified in their notice under sub-paragraph (2) above the ground mentioned in paragraph 3(6)(g) above as the only ground on which their decision would be based ; or

(c) by a decision of a council—

(i) to vary the principal terms of a licence ; or

(ii) to revoke a licence,

in a case where they specified in their notice under sub-paragraph (2) above one of the grounds mentioned in paragraph 5(1)(b) to (d) above as the only ground on which their decision would be based or they specified more than one ground in that notice but all the specified grounds were grounds mentioned in those paragraphs,

may, at any time before the expiration of the period of 21 days beginning with the date upon which he is notified of the refusal or decision, appeal to the magistrates' court acting for the petty sessions area in which the street is situated.

(6) An appeal against the decisions of a magistrates' court under this paragraph may be brought to the Crown Court.

(7) On an appeal to the magistrates' court or the Crown Court under this paragraph the court may make such order as it thinks fit.

(8) Subject to sub-paragraphs (9) to (11) below, it shall be the duty of the council to give effect to an order of the magistrates' court or the Crown Court.

(9) The council need not give effect to the order of the magistrates' court until the time for bringing an appeal under sub-paragraph (6) above has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(10) If a licence-holder applies for renewal of his licence before the date of its expiry, it shall remain valid—

(a) until the grant by the council of a new licence with the same principal terms ; or

(b) if—

(i) the council refuse renewal of the licence or decide to grant a licence with principal terms different from those of the existing licence, and

(ii) he has a right of appeal under this paragraph, until the time for bringing an appeal has expired or, where an appeal is duly brought, until the determination or abandonment of the appeal ; or

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- (c) if he has no right of appeal under this paragraph, until the council either grant him a new licence with principal terms different from those of the existing licence or notify him of their decision to refuse his application.

(11) Where—

- (a) a council decide—

- (i) to vary the principal terms of a licence ; or
(ii) to revoke a licence ; and

- (b) a right of appeal is available to the licence-holder under this paragraph,

the variation or revocation shall not take effect until the time for bringing an appeal has expired or, where an appeal is duly brought, until the determination or abandonment of the appeal.

Street trading consents

7.—(1) An application for a street trading consent or the renewal of such a consent shall be made in writing to the district council.

(2) Subject to sub-paragraph (3) below, the council may grant a consent if they think fit.

- (3) A street trading consent shall not be granted—

- (a) to a person under the age of 17 years ; or
(b) for any trading in a highway to which a control order under section 7 of the Local Government (Miscellaneous Provisions) Act 1976 is in force, other than trading to which the control order does not apply.

1976 c. 57.

(4) When granting or renewing a street trading consent the council may attach such conditions to it as they consider reasonably necessary.

(5) Without prejudice to the generality of sub-paragraph (4) above, the conditions that may be attached to a street trading consent by virtue of that sub-paragraph include conditions to prevent—

- (a) obstruction of the street or danger to persons using it ; or
(b) nuisance or annoyance (whether to persons using the street or otherwise).

(6) The council may at any time vary the conditions of a street trading consent.

(7) Subject to sub-paragraph (8) below, the holder of a street trading consent shall not trade in a consent street from a van or other vehicle or from a stall, barrow or cart.

(8) The council may include in a street trading consent permission for its holder to trade in a consent street—

- (a) from a stationary van, cart, barrow or other vehicle ; or
(b) from a portable stall.

(9) If they include such a permission, they may make the consent subject to conditions—

- (a) as to where the holder of the street trading consent may trade by virtue of the permission ; and

(b) as to the times between which or periods for which he may so trade.

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(10) A street trading consent may be granted for any period not exceeding 12 months but may be revoked at any time.

(11) The holder of a street trading consent may at any time surrender his consent to the council and it shall then cease to be valid.

General

8. The holder of a street trading licence or a street trading consent may employ any other person to assist him in his trading without a further licence or consent being required.

9.—(1) A district council may charge such fees as they consider reasonable for the grant or renewal of a street trading licence or a street trading consent.

(2) A council may determine different fees for different types of licence or consent and, in particular, but without prejudice to the generality of this sub-paragraph, may determine fees differing according—

- (a) to the duration of the licence or consent ;
- (b) to the street in which it authorises trading ; and
- (c) to the descriptions of articles in which the holder is authorised to trade.

(3) A council may require that applications for the grant or renewal of licences or consents shall be accompanied by so much of the fee as the council may require, by way of a deposit to be repaid by the council to the applicant if the application is refused.

(4) A council may determine that fees may be paid by instalments.

(5) Where a consent is surrendered or revoked, the council shall remit or refund, as they consider appropriate, the whole or a part of any fee paid for the grant or renewal of the consent.

(6) A council may recover from a licence-holder such reasonable charges as they may determine for the collection of refuse, the cleansing of streets and other services rendered by them to him in his capacity as licence-holder.

(7) Where a licence—

- (a) is surrendered or revoked ; or
- (b) ceases to be valid by virtue of paragraph 4(7) above,

the council may remit or refund, as they consider appropriate, the whole or a part—

- (i) of any fee paid for the grant or renewal of the licence ; or
- (ii) of any charges recoverable under sub-paragraph (6) above.

(8) The council may determine—

- (a) that charges under sub-paragraph (6) above shall be included in a fee payable under sub-paragraph (1) above ; or

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(b) that they shall be separately recoverable.

(9) Before determining charges to be made under sub-paragraph (6) above or varying the amount of such charges the council—

(a) shall give notice of the proposed charges to licence-holders ; and

(b) shall publish notice of the proposed charges in a local newspaper circulating in their area.

(10) A notice under sub-paragraph (9) above shall specify a reasonable period within which representations concerning the proposed charges may be made to the council.

(11) It shall be the duty of a council to consider any such representations which are made to them within the period specified in the notice.

Offences

10.—(1) A person who—

(a) engages in street trading in a prohibited street ; or

(b) engages in street trading in a licence street or a consent street without being authorised to do so under this Schedule ; or

(c) contravenes any of the principal terms of a street trading licence ; or

(d) being authorised by a street trading consent to trade in a consent street, trades in that street—

(i) from a stationary van, cart, barrow or other vehicle ; or

(ii) from a portable stall,

without first having been granted permission to do so under paragraph 7(8) above ; or

(e) contravenes a condition imposed under paragraph 7(9) above, shall be guilty of an offence.

(2) It shall be a defence for a person charged with an offence under sub-paragraph (1) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

(3) Any person who, in connection with an application for a street trading licence or for a street trading consent, makes a false statement which he knows to be false in any material respect, or which he does not believe to be true, shall be guilty of an offence.

(4) A person guilty of an offence under this paragraph shall be liable on summary conviction to a fine not exceeding £200.

Savings

11. Nothing in this Schedule shall affect—

(a) section 13 of the Markets and Fairs Clauses Act 1847 (prohibition of sales elsewhere than in market or in shops etc.) as applied by any other Act ;

- (b) section 55 of the Food and Drugs Act 1955 (prohibition of certain sales during market hours).

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1955 c. 16
(4 & 5 Eliz. 2).
Section 20.

SCHEDULE 5

HIGHWAY AMENITIES

PART I

ADDITION OF PART VIIA TO HIGHWAYS ACT 1980

1. The following shall be inserted after section 115 of the Highways Act 1980—

“PART VIIA

PROVISION OF AMENITIES ON CERTAIN HIGHWAYS

Scope of
Part VIIA.

115A.—(1) This Part of this Act applies—

- (a) to a highway in relation to which a pedestrian planning order is in force ;
- (b) to a bridleway ;
- (c) to a footpath (including a walkway as defined in section 35(2) above) ;
- (d) to a footway ;
- (e) to a subway constructed under section 69 above ;
- (f) to a footbridge constructed under section 70 above ;
- (g) to a highway of a description not mentioned in any of the preceding paragraphs of this definition whose use by vehicular traffic is prohibited by a traffic order but whose use by other traffic is not prohibited or restricted or regulated by such an order ; and
- (h) to a local Act walkway.

(2) In this Part of this Act—

“local Act walkway” means a way or place which is declared in pursuance of a local enactment to be a walkway, city walkway or pedestrian way ;

“pedestrian planning order” means an order made under section 212(2) of the Town and Country Planning Act 1971 c. 78.

“traffic order” means an order made under section 1 or 6 of the Road Traffic Regulation Act 1967 c. 76. (traffic regulation orders) or under section 9 of that Act (experimental traffic orders) ; and

“walkway consent” means—

(a) in relation to a walkway as defined in section 35(2) above, the consent—

(i) of any person who is an occupier of the building in which the walkway subsists and to whom subsection (3) below applies ; and

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(ii) of the persons whose agreement would be needed for the creation of the walkway if it did not already subsist ; and

(b) in relation to a local Act walkway, the consent—

(i) of any person who is an owner or occupier of premises adjoining the walkway and to whom subsection (3) below applies ; and

(ii) of the owner of the land on, under or above which the walkway subsists.

(3) The persons to whom this subsection applies are persons who, in the opinion of a council, are likely to be materially affected—

(a) by the exercise of a power which the council may not exercise until they have first obtained walkway consent ; or

(b) by a grant of permission which the council may not grant unless they have first obtained walkway consent.

(4) In the following provisions of this Part of this Act “walkway” includes both a walkway as defined in section 35(2) above and a local Act walkway.

(5) Any reference in this Part of this Act to a highway to which this Part of this Act applies includes a reference to a local Act walkway which but for this subsection—

(a) is not a highway ; or

(b) is a highway only for certain purposes.

(6) The use of a highway by vehicular traffic is to be taken as prohibited for the purposes of this Part of this Act where its use by such traffic is prohibited over the whole width of the highway even if the prohibition is contained in a traffic order which does not prohibit certain vehicles or certain classes of vehicle using the highway or part of it or using the highway or part of it at certain times or on certain days or during certain periods.

(7) In this Part of this Act “frontagers” means the owners and occupiers of any premises adjoining the part of a highway on, in or over which an object or structure would be placed or on which facilities for recreation or refreshment or both have been, are being or would be provided ; but frontagers have an interest under this Part of this Act only in proposals to place objects or structures or provide or operate facilities wholly or partly between their premises and the centre of the highway.

(8) References to a council in this Part of this Act include references to the Council of the Isles of Scilly.

Provision
etc. of
services and
amenities by
councils.

115B.—(1) Subject to subsections (4), (5) and (7) below,
a council shall have power—

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(a) to carry out works on, in or over a highway to
which this Part of this Act applies ; and

(b) to place objects or structures on, in or over such
a highway,

for the purpose—

(i) of giving effect to a pedestrian planning
order ;

(ii) of enhancing the amenity of the highway
and its immediate surroundings ; or

(iii) of providing a service for the benefit of
the public or a section of the public.

(2) A council shall have power to maintain—

(a) any works carried out under paragraph (a) of
subsection (1) above ; and

(b) any objects or structures placed on, in or over a
highway under paragraph (b) of that subsection.

(3) Without prejudice to the generality of this section,
the amenity of a highway may be enhanced by providing
lawns, trees, shrubs or flowers.

(4) A council may not exercise the powers conferred
by this section on, in or over a walkway unless they have
first obtained walkway consent.

(5) Where subsection (6) below applies, a council may
not, in the exercise of the power conferred by subsection
(1)(b) above, place an object or structure on, in or over
a highway—

(a) for a purpose which will result in the production
of income ; or

(b) for the purpose of providing a centre for advice
or information,

unless they have first obtained the consent of the fron-
tagers with an interest—

(i) to the placing of the object or struc-
ture ; and

(ii) to the purpose for which it is to be
placed.

(6) This subsection applies where the object or struc-
ture would be placed—

(a) on, in or over a footpath ;

(b) on, in or over a bridleway ; or

(c) on, in or over a footway in relation to which no
pedestrian planning order or traffic order is in
force.

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(7) Where a council propose—

(a) to place an object or structure on, in or over a highway to which this Part of this Act applies—

(i) for a purpose which will result in the production of income ; or

(ii) for the purpose of providing a centre for advice or information ; and

(b) to grant a person permission under section 115E below to use the object or structure,

they may not exercise the power conferred by subsection (1)(b) above unless they have first obtained the consent of the frontagers with an interest—

(i) to the placing of the object or structure ;

(ii) to the purpose for which it would be placed ; and

(iii) to the proposed grant of permission.

Provision of recreation and refreshment facilities by councils.

115C.—(1) Subject to subsections (2) and (3) below, a council shall have power to provide, maintain and operate facilities for recreation or refreshment or both on a highway to which this Part of this Act applies.

(2) A council may not exercise the powers conferred by this section on a walkway unless they have first obtained walkway consent.

(3) Where subsection (4) below applies, a council may not exercise the powers conferred by this section unless they have first obtained the consent of the frontagers with an interest.

(4) This subsection applies where the facilities are to be provided—

(a) on a footpath ; or

(b) on a bridleway ; or

(c) on a footway in relation to which no pedestrian planning order or traffic order is in force.

Limits of powers under ss. 115B and 115C.

115D. A council may exercise their powers under section 115B or 115C above to restrict the access of the public to any part of a highway to which this Part of this Act applies, but shall not so exercise them—

(a) as to prevent traffic, other than vehicular traffic,—

(i) entering the highway at any place where such traffic could enter it before, as the case may be, the making of a pedestrian planning order or a traffic order in relation to it or the exercise in relation to it of a power conferred by this Part of this Act ; or

(ii) passing along it ; or

(iii) having normal access to premises adjoining it ; or

(b) as to prevent any use of vehicles which is permitted by a pedestrian planning order or which is not prohibited by a traffic order ; or

(c) as to prevent statutory undertakers or sewerage authorities having access to any apparatus of theirs under, in, on or over the highway.

Execution of works and use of objects etc. by persons other than councils.

115E.—(1) Subject to subsections (2) to (4) below, a council may grant a person permission—

(a) to do on, in or over a highway to which this Part of this Act applies anything which the council could do on, in or over such a highway under section 115B(1) to (3) or 115C above ; or

(b) to use objects or structures on, in or over a highway to which this Part of this Act applies—

(i) for a purpose which will result in the production of income ;

(ii) for the purpose of providing a centre for advice or information ; or

(iii) for the purpose of advertising.

(2) A council may not grant a person permission under subsection (1)(a) above to place an object or structure on, in or over a highway to which this Part of this Act applies—

(a) for a purpose which will result in the production of income ; or

(b) for the purpose of providing a centre for advice or information,

unless they have first obtained the consent of the frontagers with an interest—

(i) to the placing of the object or structure ;

(ii) to the purpose for which it would be placed ; and

(iii) to the proposed grant of permission.

(3) A council may not grant a person permission to do anything which the council could only do under section 115C above unless they have first obtained the consent of the frontagers with an interest.

(4) A council may not grant a person permission—

(a) to carry out works on, in or over a walkway ;

(b) to place an object or structure on, in or over a walkway ; or

(c) to provide, maintain or operate facilities for recreation or refreshment or both on a walkway,

unless they have first obtained walkway consent.

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Power to
impose
conditions
on
permissions
under
section 115E.

115F.—(1) Subject to subsections (2) to (4) below, a council may grant a permission under section 115E above upon such conditions as they think fit, including conditions requiring the payment to the council of such reasonable charges as they may determine.

(2) Except where the council are the owners of the subsoil beneath the part of the highway in relation to which the permission is granted, the charges may not exceed the standard amount.

(3) In subsection (2) above, “the standard amount” means—

(a) in relation to permission to use an object or structure provided by a council, the aggregate—

(i) of the cost of providing it ; and

(ii) of such charges as will reimburse the council their reasonable expenses in connection with granting the permission ;

(b) in relation to permission to operate facilities provided by a council for recreation or refreshment or both, the aggregate—

(i) of the cost of providing them ; and

(ii) of such charges as will reimburse the council their reasonable expenses in connection with granting the permission ; and

(c) in any other case, such charges as will reimburse the council their reasonable expenses in connection with granting the permission.

(4) Nothing in this section shall prejudice the right of a council to require an indemnity against any claim in respect of injury, damage or loss arising out of the grant of the permission ; but this subsection is not to be taken as requiring any person to indemnify a council against any claim in respect of injury, damage or loss which is attributable to the negligence of the council.

Notices to
be given
before
exercise of
powers
under
Part VIIA.

115G.—(1) Subject to subsection (4) below, a council shall not—

(a) exercise any power conferred by section 115B or 115C above ; or

(b) grant any permission under section 115E above unless they have first published a notice under this section.

(2) A council shall publish a notice under this section—

(a) by affixing it in a conspicuous position at or near the place to which the proposal relates ; and

(b) by serving a copy of the notice on the owner and occupier of any premises appearing to the council to be likely to be materially affected.

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(3) A notice under this section—

- (a) shall give details of the proposal; and
- (b) shall specify a period (being not less than 28 days after the publication of the notice) during which representations regarding the proposal may be made to the council.

(4) No notice under this section is required where a council propose to exercise a power conferred by section 115B or 115C above in relation to a highway in relation to which a pedestrian planning order or a traffic order has been made.

(5) Where a council have published a notice under this section, they shall not exercise the power or grant the permission to which the notice relates until they have taken into consideration all representations made to them in connection with the proposal within the period specified in the notice.

Duties to consult or obtain consent of other authorities.

115H.—(1) Subject to subsections (2) and (3) below, a council shall not—

- (a) exercise any power conferred by section 115B or 115C above; or
- (b) grant any permission under section 115E above, in relation to a highway unless they have consulted—
 - (i) any authority other than themselves who are the highway authority for the highway; and
 - (ii) any authority other than themselves who are a local planning authority, as defined in the Town and Country Planning Act 1971, 1971 c. 78. for the area in which, as the case may be, they propose to exercise the power or to which the proposed permission would relate.

(2) Where a highway to which this Part of this Act applies is situated in Greater London, subsection (1) above shall have effect in relation to the highway as if the requirement to consult the highway authority and the local planning authority were a requirement to obtain their consent to the exercise of the power or the granting of the permission.

(3) Where—

- (a) a highway to which this Part of this Act applies is situated outside Greater London; and
- (b) there is no pedestrian planning order in force in relation to it,

subsection (1) above shall have effect in relation to the highway as if the requirement to consult the highway authority were a requirement to obtain their consent to the exercise of the power or the granting of the permission.

SCH. 5

(4) Where a highway to which this Part of this Act applies is maintained by the British Railways Board or the London Transport Executive, a council shall not exercise any power conferred by section 115B or 115C above or grant a permission in relation to it under section 115E above except with the consent of the Board or, as the case may be, the Executive.

Consents
not to be
unreason-
ably
withheld.

115J.—(1) Consent to which this section applies is not to be unreasonably withheld but may be given subject to any reasonable conditions.

(2) Without prejudice to the generality of subsection (1) above, it may be reasonable for consent to which this section applies to be given for a specified period of time or subject to the payment of a reasonable sum.

(3) Consent is to be treated as unreasonably withheld for the purposes of this section if—

(a) the council have served a notice asking for consent on the person whose consent is required; and

(b) he fails within 28 days of the service of the notice to give the council notice of his consent or his refusal to give it.

(4) Any question whether consent is unreasonably withheld or is given subject to reasonable conditions shall be referred to and determined by an arbitrator to be appointed, in default of agreement, by the President of the Chartered Institute of Arbitrators.

(5) If—

(a) the arbitrator determines that consent has been unreasonably withheld; but

(b) it appears to him that there are conditions subject to which it would be reasonable to give it,

he may direct that it shall be treated as having been given subject to those conditions.

(6) If—

(a) the arbitrator determines that any condition subject to which consent has been given is unreasonable; but

(b) it appears to him that there are conditions subject to which it would have been reasonable to give it,

he may direct that it shall be treated as having been given subject to those conditions.

(7) Subject to subsection (8) below, the expenses and remuneration of the arbitrator shall be paid by the council seeking the consent.

(8) Where the arbitration concerns the consent of the British Railways Board or the London Transport Executive under section 115H(4) above, the arbitrator may give such directions as he thinks fit as to the payment of his expenses and remuneration.

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(9) This section applies to consent required under any provision of this Part of this Act except section 115H(1) above.

Failure to
comply with
terms of
permission.

115K.—(1) If it appears to a council that a person to whom they have granted a permission under section 115E above has committed any breach of the terms of that permission, they may serve a notice on him requiring him to take such steps to remedy the breach as are specified in the notice within such time as is so specified.

(2) If a person on whom a notice is served under subsection (1) above fails to comply with the notice, the council may take the steps themselves.

(3) Where a council have incurred expenses in the exercise of the power conferred on them by subsection (2) above, those expenses, together with interest at such reasonable rate as the council may determine from the date of service of a notice of demand for the expenses, may be recovered by the council from the person on whom the notice under subsection (1) above was served.”.

PART II

AMENDMENTS OF TOWN AND COUNTRY PLANNING ACT 1971

2. In section 212 of the Town and Country Planning Act 1971 1971 c. 78. (order extinguishing right to use vehicles on highway) the following subsection shall be inserted after subsection (8)—

“(8A) An order under subsection (8) of this section may make provision requiring the removal of any obstruction of a highway resulting from the exercise of powers under Part VIIA of the Highways Act 1980.”.

1980 c. 66.

3. Section 213 of that Act (provision of amenity for highway reserved to pedestrians) shall cease to have effect, and “212” shall accordingly be substituted for “213” in Part II of Schedule 21.

SCHEDULE 6

Section 47.

MINOR AMENDMENTS

Health

1. In subsection (1)(b) of section 3 of the Public Health Act 1936 1936 c. 49. (jurisdiction, powers, etc. of port health authority) for the words from “contained” onwards there shall be substituted the words “relating to public health, waste disposal or the control of pollution, whether passed before or after, or contained in, this Act”.

2. In subsection (1)(c) of section 169 of that Act (provision for removal to hospital of persons suffering from notifiable disease where

- SCH. 6 serious risk of infection) after the word "hospital" there shall be inserted the words "vested in the Secretary of State,".
3. In section 160(3) of that Act (which provides in certain cases for the recovery of a sum in respect of disinfecting a public conveyance) for the words "in a summary manner" there shall be substituted the words "summarily as a civil debt".
4. In section 267 of that Act (application to ships and boats of certain provisions of Act), in paragraph (a) of subsection (3), after the words "county, of the" there shall be inserted the words "port health authority or"; and at the end of that section there shall be added the following subsection—
- “(6) In determining for the purposes of subsection (1) above what provisions of this Act specified in subsection (4) above are provisions for the execution of which local authorities are responsible, no account shall be taken of any enactment (whether contained in this Act or not) relating to port health authorities or joint boards or to any particular port health authority or joint board or of any instrument made under any such enactment”.
5. In section 346(1)(c) of that Act (by virtue of which, among other things, an order, rule or regulation which was made under any enactment repealed by that Act but which could have been made under a corresponding provision of that Act has effect as if it had been made under that corresponding provision) after the word "regulation," there shall be inserted the word "byelaw,".
- 1968 c. 46. 6. In section 48(2)(b)(iii) of the Health Services and Public Health Act 1968 (which requires a copy of a certificate to be sent in certain cases to the proper officer of the relevant port health authority constituted in pursuance of section 2 of the Public Health Act 1936) the words "constituted in pursuance of section 2 of the Public Health Act 1936" shall be omitted.
- 1936 c. 49.

Planning

- 1971 c. 78. 7. The Town and Country Planning Act 1971 shall be amended—
- (a) by inserting the words "and paragraph 8 of Schedule 16 to the Local Government Act 1972" after the word "Act" in section 10(7); and
- (b) in the provisions specified in the first column of the Table below, by substituting the corrected text set out in the third column for the portion of the text indicated in the second column.
- 1972 c. 70.

TABLE

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<i>Provision of 1971 Act</i>	<i>Text to be corrected</i>	<i>Corrected text</i>
Section 7(4)	(3)(a)	(1A)(a)
Section 15(3)	The words from the beginning to "the provisions of"	Subject to subsection (4) of this section and to section 15A of this Act,
Section 15A(6)	mentioned in subsection (4)	specified in subsection (7)
Section 15A(7)	(3) above	(6) of this section
Section 23(9)	served	issued
Section 177(2)(a)	88(1)	88(2)
Section 242(3)(f)	section 88(5)(a) of this Act	paragraph (a) of section 88B(1) of this Act or to discharge a condition or limitation under paragraph (b) of that subsection.
Section 242(3)(h)	The words from "under subsection (5)(a)" onwards.	to grant listed building consent under paragraph (a) of section 97A(4) of this Act or to discharge a condition or limitation under paragraph (b) of that subsection.
Schedule 4, paragraph 12(2)	15A(3)	15A(6)

Direct labour

8.—(1) The following subsection shall be added at the end of section 21 of the Local Government, Planning and Land Act 1980 1980 c. 65. (which exempts small direct labour organisations from the requirements of Part III of that Act)—

"(8) In this section "year" means a financial year."

(2) This paragraph extends to Scotland.

SCHEDULE 7

Section 47.

REPEALS

PART I

REPEALS IN PUBLIC GENERAL ACTS IN CONSEQUENCE OF SECTION 1

Chapter	Short title	Extent of repeal
53 & 54 Vict. c. 59.	Public Health Acts Amendment Act 1890.	Section 51.
16 & 17 Geo. 5. c. 31.	Home Counties (Music and Dancing) Licensing Act 1926.	The whole Act.

SCH. 7

Chapter	Short title	Extent of repeal
12, 13 & 14 Geo. 6. c. 101.	Justices of the Peace Act 1949.	In section 41, in subsection (1), the words "or music and dancing licence", in subsection (4) the words from "and the" to the end and subsection (5).
1964 c. 26.	Licensing Act 1964.	In section 77 the words from "in any area" to "dancing". In section 78 the words from "and which are" to "dancing". Section 79(7).
1966 c. 42.	Local Government Act 1966.	In Schedule 3, in Part II, paragraphs 10 and 27.
1967 c. 19.	Private Places of Entertainment (Licensing) Act 1967.	Section 6.
1967 c. 80.	Criminal Justice Act 1967.	In Schedule 3, in Part I, the entries relating to the Public Health Acts Amendment Act 1890 and the Home Counties (Music and Dancing) Licensing Act 1926.
1972 c. 70.	Local Government Act 1972.	Section 204(7). In Schedule 14, in Part II, paragraph 24(c), paragraph 25(2)(b) and paragraph 26(b). In Schedule 25, in Part II, paragraphs 10 to 12. In Schedule 29, paragraph 27.
1974 c. 7.	Local Government Act 1974.	In Schedule 6, paragraph 3.
1980 c. 43.	Magistrates' Courts Act 1980.	In Schedule 6, in Part III, paragraph 2.

PART II

REPEALS IN LOCAL ACTS IN CONSEQUENCE OF SECTION 1

Chapter	Short title	Extent of repeal
1976 c. xxxi.	Royal County of Berkshire (Public Entertainment) Provisional Order Confirmation Act 1976.	The whole Act.
1976 c. xxxv.	County of South Glamorgan Act 1976.	Sections 15 to 23. In section 24, the words "this Part of this Act or". In section 66(2)(b), the words "Part IV (Music and dancing licences in Cardiff);". In Schedule 3, in Part I, the words "Section 19 (Fines under Part IV of Act);".
1979 c. xxiii.	Greater London Council (General Powers) Act 1979.	Paragraph (b) of section 3.

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Chapter	Short title	Extent of repeal
1980 c. x.	County of Merseyside Act 1980.	Sections 73 to 80. In section 81(1) the words "of an entertainment licence, or". In section 137(2), the words "Section 76 (Offences under Part XI);".
1980 c. xi.	West Midlands County Council Act 1980.	Sections 59 to 66. In section 67(1), the words "of an entertainment licence or". Section 93. In section 116(2), the words "Section 62 (Offences under Part VIII);".
1980 c. xiii.	Cheshire County Council Act 1980.	Sections 32 to 39. In section 40(1), the words "of an entertainment licence or". In section 108(2), the words "Section 35 (Offences under Part VII);".
1980 c. xiv.	West Yorkshire Act 1980.	Sections 25 to 32. In section 33(1), the words "of an entertainment licence or". In Schedule 3, the words "Section 28 (Offences under Part VII);".
1980 c. xxxvii.	South Yorkshire Act 1980.	Section 48.
1981 c. ix.	Greater Manchester Act 1981.	Sections 107 to 114. In section 115(1), the words "of an entertainment licence or". In section 179(2), the words "Section 110 (Offences under Part XIII);".
1981 c. xviii.	County of Kent Act 1981.	Sections 63 to 70. In section 71(1), the words "of an entertainment licence or". In section 128(2) the words "Section 66 (Offences under Part X);".
1981 c. xxv.	East Sussex Act 1981.	Section 30.

PART III

REPEAL IN LOCAL ACT IN CONSEQUENCE OF SECTION 8

Chapter	Short title	Extent of repeal
1980 c. xi.	West Midlands County Council Act 1980.	Section 51.

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PART IV

REPEALS IN PUBLIC GENERAL ACTS IN CONSEQUENCE OF SECTION 11

Chapter	Short title	Extent of repeal
15 & 16 Geo. 5. c. 50.	Theatrical Employers Registration Act 1925.	The whole Act.
18 & 19 Geo. 5. c. 46.	Theatrical Employers Registration (Amend- ment) Act 1928.	The whole Act.
1968 c. 54.	Theatres Act 1968.	In Schedule 2, the entry relating to the Theatrical Employers Registration Act 1925.
1971 c. 23.	Courts Act 1971.	In Schedule 9, the entry relating to the Theatrical Employers Registration Act 1925.
1972 c. 70.	Local Government Act 1972.	In section 204(6), the words from "and in the definition " to the end.
1972 c. 71.	Criminal Justice Act 1972.	In Schedule 5, the entry relating to the Theatrical Employers Registration Act 1925.
1973 c. 65.	Local Government (Scot- land) Act 1973.	In Schedule 24, in Part III, paragraph 35.
1980 c. 65.	Local Government, Plan- ning and Land Act 1980.	In Schedule 6, paragraphs 2 and 3.

PART V

REPEALS IN LOCAL ACTS IN CONSEQUENCE OF SECTION 12

Chapter	Short title	Extent of repeal
1980 c. x.	County of Merseyside Act 1980.	Section 29.
1980 c. xiii.	Cheshire County Council Act 1980.	Section 31.
1980 c. xxxvii.	South Yorkshire Act 1980.	Section 44.
1981 c. ix.	Greater Manchester Act 1981.	Section 57.
1981 c. xviii.	County of Kent Act 1981.	Section 26.
1981 c. xxv.	East Sussex Act 1981.	Section 91.
1982 c. iii.	Humberside Act 1982.	Section 46.

PART VI

REPEALS IN LOCAL ACTS IN CONSEQUENCE OF SECTION 20

Chapter	Short title	Extent of repeal
1976 c. xxxv.	County of South Glamorgan Act 1976.	Section 56.
1979 c. xxiii.	Greater London Council (General Powers) Act 1979.	Section 5. Section 9.

REPEALS IN LOCAL ACTS IN CONSEQUENCE OF SECTION 20—*cont.*

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Chapter	Short title	Extent of repeal
1980 c. x.	County of Merseyside Act 1980.	Sections 11 and 12.
1980 c. xi.	West Midlands County Council Act 1980.	Sections 7 and 8.
1980 c. xiii.	Cheshire County Council Act 1980.	Section 10.
1980 c. xiv.	West Yorkshire Act 1980.	Sections 13 and 14.
1980 c. xv.	Isle of Wight Act 1980.	Sections 11 and 12.
1980 c. xxxvii.	South Yorkshire Act 1980.	Sections 11 and 12.
1980 c. xliii.	Tyne and Wear Act 1980.	Sections 7 to 9.
1981 c. ix.	Greater Manchester Act 1981.	Sections 17 to 19.
1981 c. xviii.	County of Kent Act 1981.	Sections 8 and 9.
1981 c. xxv.	East Sussex Act 1981.	Sections 4 and 5.
1982 c. iii.	Humberside Act 1982.	Sections 31 to 33.
1982 c. iv.	County of Avon Act 1982.	Sections 4 and 35.

PART VII

REPEALS IN LOCAL ACTS IN CONSEQUENCE OF SECTION 22

Chapter	Short title	Extent of repeal
1980 c. x.	County of Merseyside Act 1980.	Section 14.
1980 c. xi.	West Midlands County Council Act 1980.	Section 10.
1980 c. xiii.	Cheshire County Council Act 1980.	Section 9.
1980 c. xv.	Isle of Wight Act 1980.	Section 51.
1980 c. xxxvii.	South Yorkshire Act 1980.	Section 13.
1981 c. ix.	Greater Manchester Act 1981.	Section 20.
1981 c. xviii.	County of Kent Act 1981.	Section 11.
1981 c. xix.	South Yorkshire Act 1981.	In the Table, the entries relating to section 13(1) and (2) of the South Yorkshire Act 1980.
1981 c. xxv.	East Sussex Act 1981.	Section 6.

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PART VIII

REPEALS IN LOCAL ACTS IN CONSEQUENCE OF SECTION 24

Chapter	Short title	Extent of repeal
1980 c. xi.	West Midlands County Council Act 1980.	Section 17.
1980 c. xiii.	Cheshire County Council Act 1980.	Section 24.
1980 c. xxxvii.	South Yorkshire Act 1980.	Section 35.
1981 c. xxxiv.	Derbyshire Act 1981.	Section 18.
1982 c. iii.	Humberside Act 1982.	Section 38.
1982 c. iv.	County of Avon Act 1982.	Section 24.

PART IX

REPEALS IN LOCAL ACTS IN CONSEQUENCE OF SECTION 26

Chapter	Short title	Extent of repeal
1980 c. xiv.	West Yorkshire Act 1980.	Section 45.
1980 c. xxxvii.	South Yorkshire Act 1980.	Section 23.
1980 c. xliii.	Tyne and Wear Act 1980.	Section 14.
1981 c. ix.	Greater Manchester Act 1981.	Section 33.
1981 c. xxv.	East Sussex Act 1981.	Section 16.

PART X

REPEALS IN LOCAL ACTS IN CONSEQUENCE OF SECTION 27

Chapter	Short title	Extent of repeal
1967 c. xx.	Greater London Council (General Powers) Act 1967.	Section 24.
1980 c. xiv.	West Yorkshire Act 1980.	Section 10.
1980 c. xxxvii.	South Yorkshire Act 1980.	Section 40.
1980 c. xliii.	Tyne and Wear Act 1980.	Section 15.
1981 c. ix.	Greater Manchester Act 1981.	Section 46.
1981 c. xviii.	County of Kent Act 1981.	Sections 24 and 25.
1981 c. xxv.	East Sussex Act 1981.	Section 15.
1982 c. iv.	County of Avon Act 1982.	Section 26.

PART XI

SCH. 7

REPEALS IN LOCAL ACTS IN CONSEQUENCE OF SECTION 28

Chapter	Short title	Extent of repeal
1976 c. xxxv.	County of South Glamorgan Act 1976.	Section 28.
1980 c. x.	County of Merseyside Act 1980.	Section 17.
1980 c. xiii.	Cheshire County Council Act 1980.	Section 26.
1980 c. xxxvii.	South Yorkshire Act 1980.	Section 30.
1980 c. xliii.	Tyne and Wear Act 1980.	Section 20.
1981 c. ix.	Greater Manchester Act 1981.	Section 39.
1981 c. xviii.	County of Kent Act 1981.	Section 27.
1981 c. xxxiv.	Derbyshire Act 1981.	Section 17.
1982 c. iii.	Humberside Act 1982.	Section 43.

PART XII

REPEALS IN LOCAL ACTS IN CONSEQUENCE OF SECTION 33

Chapter	Short title	Extent of repeal
1980 c. xiii.	Cheshire County Council Act 1980.	Section 94.
1980 c. xv.	Isle of Wight Act 1980.	Section 17.
1981 c. xviii.	County of Kent Act 1981.	Section 4.
1982 c. iii.	Humberside Act 1982.	Section 50.
1982 c. iv.	County of Avon Act 1982.	Section 46.

PART XIII

REPEALS IN LOCAL ACTS IN CONSEQUENCE OF SECTION 34

Chapter	Short title	Extent of repeal
1980 c. xiv.	West Yorkshire Act 1980.	Section 82.
1980 c. xxxvii.	South Yorkshire Act 1980.	Section 90.
1981 c. xxv.	East Sussex Act 1981.	Section 90.

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Cinematograph (Amendment) Act 1982

CHAPTER 33

ARRANGEMENT OF SECTIONS

Section

1. Extension of 1909 Act to certain other exhibitions of moving pictures.
2. Exclusion of exhibitions promoted for private gain from certain exemptions under the 1909 and 1952 Acts.
3. Applications for grant, renewal or transfer of licence or consent.
4. Appeals against decisions of licensing authority.
5. Powers of entry.
6. Powers of arrest and seizure.
7. Penalties and forfeitures.
8. Offences by bodies corporate.
9. Interpretation.
10. Amendments and repeals.
11. Short title, citation, commencement and extent.

SCHEDULES:

- Schedule 1—Minor and consequential amendments.
Schedule 2—Repeals.



Cinematograph (Amendment) Act 1982

1982 CHAPTER 33

An Act to extend and amend the Cinematograph Acts
1909 and 1952. [13th July 1982]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Subject to the provisions of—

- (a) section 7 (application of Act to special premises) of the Cinematograph Act 1909 (in this Act referred to as “the 1909 Act”); and

- (b) section 5 (exemption for non-commercial exhibitions) of the Cinematograph Act 1952 (in this Act referred to as “the 1952 Act”),

Extension of
1909 Act to
certain other
exhibitions
of moving
pictures.

1909 c. 30.
1925 c. 68.

the 1909 Act and (except so far as they otherwise provide) any regulations made under it shall apply as respects all exhibitions of moving pictures which are produced otherwise than by the simultaneous reception and exhibition of television programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or distributed by a system licensed by the Secretary of State under section 89 of the Post Office Act 1969 c. 48.

Exclusion of exhibitions promoted for private gain from certain exemptions under the 1909 and 1952 Acts.

2.—(1) Subject to subsection (2) below, an exhibition which is promoted for private gain shall be excluded—

- (a) from the exhibitions to which section 7(4) of the 1909 Act (exhibitions in private dwelling houses) applies; and
- (b) from the exhibitions which are exempted exhibitions for the purposes of section 5 of the 1952 Act.

(2) Subsection (1) above does not apply to an exhibition the sole or main purpose of which is to demonstrate any product, to advertise any goods or services or to provide information, education or instruction.

(3) An exhibition is promoted for private gain if, and only if,—

- (a) any proceeds of the exhibition, that is to say, any sums paid for admission to the exhibition; or
- (b) any other sums (whenever paid) which, having regard to all the circumstances, can reasonably be regarded as paid wholly or partly for admission to the exhibition; or
- (c) where the exhibition is advertised (whether to the public or otherwise), any sums not falling within paragraph (b) above which are paid for facilities or services provided for persons admitted to the exhibition,

are applied wholly or partly for purposes of private gain.

(4) If in proceedings for an offence under section 7(1) below any question arises whether an exhibition was promoted for private gain and it is proved—

- (a) that any sums were paid for admission to the exhibition or to the premises at which it was given and that the exhibition was advertised to the public; or
- (b) that any sums were paid for facilities or services provided for persons admitted to the exhibition and that the exhibition was advertised (whether to the public or otherwise); or
- (c) that the amount of any payment falling to be made in connection with the promotion of the exhibition was determined wholly or partly by reference to the proceeds of the exhibition or any facilities or services provided for persons admitted to it,

the exhibition shall be deemed to have been promoted for private gain unless the contrary is shown.

(5) Where an exhibition is promoted by a society which is established and conducted wholly for purposes other than purposes of any commercial undertaking and sums falling

within subsection (3) above are applied for any purpose calculated to benefit the society as a whole, the exhibition shall not be held to be promoted for private gain by reason only that the application of those sums for that purpose results in benefit to any person as an individual.

(6) In subsection (5) above "society" includes any club, institution, organisation or association of persons, by whatever name called.

3.—(1) An applicant for the grant, renewal or transfer of a licence shall give to—

- (a) the licensing authority;
- (b) the fire authority; and
- (c) the chief officer of police,

Applications for grant, renewal or transfer of licence or consent.

not less than 28 days' notice of his intention to make the application.

(2) The licensing authority may in such cases as they think fit, after consulting with the fire authority and the chief officer of police, grant an application for the grant, renewal or transfer of a licence notwithstanding the fact that the applicant has failed to give notice in accordance with subsection (1) above.

(3) In considering any application for the grant, renewal or transfer of a licence, the licensing authority shall have regard to any observations submitted to them by the fire authority or by the chief officer of police.

(4) Where, before the date of expiry of a licence, an application has been made for its renewal or transfer, the licence shall be deemed to remain in force or, as the case may require, to have effect with any necessary modifications until the determination of the application by the licensing authority or the withdrawal of the application.

(5) In this Act, unless the contrary intention appears, "licence" means a licence under section 2 of the 1909 Act or a consent under section 4 of the 1952 Act, and references to a licence of either kind shall be construed accordingly.

4.—(1) Any person aggrieved—

- (a) by the refusal or revocation of a licence;
- (b) by any terms, conditions or restrictions on or subject to which a licence is granted; or
- (c) by the refusal of a renewal or transfer of a licence,

Appeals against decisions of licensing authority.

may appeal to the Crown Court or, in Scotland, to the sheriff.

(2) Where the decision against which an appeal under this section is brought was given on an application of which (in

accordance with section 3(1) above) notice was required to be given to a fire authority and a chief officer of police, any notice of appeal under this section against that decision shall be given to that authority and that officer as well as to any other person to whom it is required to be given apart from this subsection.

(3) Where a licence is revoked it shall be deemed to remain in force during the period within which an appeal under this section may be brought and, if such an appeal is brought, until the determination or abandonment of the appeal.

(4) Where an application for the renewal or transfer of a licence is refused, the licence shall be deemed to remain in force or, as the case may require, to have effect with any necessary modifications—

- (a) during any period within which an appeal under this section may be brought and, if such an appeal is brought, until the determination or abandonment of the appeal; and
- (b) where such an appeal is successful, until the licence is renewed or transferred by the licensing authority.

Powers of
entry.

5.—(1) Where a constable or an authorised officer of the licensing authority or of the fire authority has reasonable cause to believe that—

- (a) any premises in respect of which a licence of either kind is in force are being or are about to be used for an exhibition which requires a licence of that kind;
- (b) any premises in respect of which a licence under section 2 of the 1909 Act is in force are being or are about to be used for an exempted exhibition; or
- (c) any premises in respect of which notice has been given under subsection (2) (occasional exhibitions) or subsection (3) (exhibitions in moveable buildings or structures) of section 7 of that Act are being or are about to be used for an exhibition which, but for that subsection, would require a licence under section 2 of that Act,

he may enter and inspect the premises with a view to seeing whether the relevant provisions are being complied with.

(2) An authorised officer of the fire authority may, on giving not less than 24 hours' notice—

- (a) to the occupier of any premises in respect of which a licence is in force; or
- (b) to the occupier of any premises in respect of which notice has been given under section 7(2) or (3) of the 1909 Act,

enter and inspect the premises for the purpose of ensuring that there are adequate fire precautions and of seeing whether the

relevant provisions, so far as relating to fire precautions, are being complied with.

(3) A constable or authorised officer of the licensing authority may enter and search any premises in respect of which he has reason to suspect that an offence under section 7(1) below has been, is being or is about to be committed if authorised to do so by a warrant granted by a justice of the peace or, in Scotland, by a sheriff, stipendiary magistrate or justice of the peace.

(4) Where an authorised officer of the licensing authority or of the fire authority enters any premises in the exercise of any power under this section he shall, if required to do so by the occupier, produce to the occupier his authority.

(5) Any person who intentionally obstructs the exercise of any power conferred by this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(6) In this section "relevant provisions" means—

- (a) in a case falling within subsection (1)(a) or (2)(a) above, regulations under the 1909 Act and the terms, conditions and restrictions on or subject to which the licence is held ;
- (b) in a case falling within subsection (1)(b) above, regulations under the 1909 Act making such provision as is mentioned in paragraph (a) of section 2(1) of the 1952 Act and the conditions and restrictions on or subject to which the licence is held so far as relating to the matters specified in that paragraph ;
- (c) in a case falling within subsection (1)(c) or (2)(b) above, regulations under the 1909 Act and any conditions notified in writing by the licensing authority to the occupier of the premises ;

and in relation to any premises in respect of which notice has been given under section 7(3) of the 1909 Act any reference to the occupier shall be construed as a reference to the owner.

6.—(1) If a constable has reasonable cause to suspect that a person has committed an offence under this Act he may require him to give his name and address, and if that person refuses or fails to do so or gives a name or address which the constable reasonably suspects to be false, the constable may arrest him without warrant.

This subsection does not extend to Scotland.

(2) A constable or authorised officer of the licensing authority who enters and searches any premises under the authority of a warrant issued under section 5(3) above may seize and remove any apparatus or equipment or other thing whatsoever found on

the premises which he has reasonable cause to believe may be liable to be forfeited under section 7(5) below.

**Penalties and
forfeitures.**

7.—(1) If—

- (a) any premises in respect of which a licence under section 2 of the 1909 Act is not in force are used for an exhibition which requires such a licence ;
- (b) any premises in respect of which a consent under section 4 of the 1952 Act is not in force are used for an exhibition which requires such a consent ;
- (c) any premises in respect of which a licence of either kind is in force are used for an exhibition which requires a licence of that kind and are so used otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held ;
- (d) any premises in respect of which a licence under section 2 of the 1909 Act is in force are used for an exempted exhibition and are so used otherwise than in accordance with the conditions or restrictions on or subject to which the licence is held, so far as relating to the matters specified in section 2(1)(a) of the 1952 Act ; or
- (e) any premises are used for an exhibition to which regulations made under the 1909 Act apply and are so used in contravention of those regulations,

then, subject to subsection (3) below, each of the persons mentioned in subsection (2) below shall be guilty of an offence.

(2) The persons referred to in subsection (1) above are—

- (a) any person concerned in the organisation or management of the exhibition ;
- (b) where a licence of either kind is in force in respect of the premises and the exhibition requires a licence of that kind or a licence under section 2 of the 1909 Act is in force in respect of the premises and the exhibition is an exempted exhibition, the holder of the licence ; and
- (c) any other person who, knowing or having reasonable cause to suspect that the premises would be used as mentioned in that subsection—
 - (i) allowed the premises to be so used ; or
 - (ii) let the premises, or otherwise made them available, to any person by whom an offence in connection with that use of the premises has been committed.

(3) It shall be a defence for a person charged with an offence under subsection (1) above to prove that he took all reasonable

precautions and exercised all due diligence to avoid the commission of the offence.

(4) A person guilty of an offence under subsection (1) above shall be liable on summary conviction to a fine not exceeding—

(a) in the case of an offence under paragraph (a) of that subsection, £10,000 ;

(b) in any other case, £1,000.

(5) Subject to subsection (6) below, the court by or before which a person is convicted of an offence under subsection (1)(a) above may order any thing produced to the court, and shown to the satisfaction of the court to relate to the offence, to be forfeited and dealt with in such manner as the court may order.

(6) The court shall not order any thing to be forfeited under subsection (5) above, where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

(7) If the holder of a licence is convicted of an offence under subsection (1) above, the licensing authority may revoke the licence.

8.—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offences by
bodies
corporate.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

9.—(1) In this Act—

Interpretation.

“ the 1909 Act ” means the Cinematograph Act 1909 ;

1909 c. 30.

“ the 1952 Act ” means the Cinematograph Act 1952 ;

1952 c. 68.

“ chief officer of police ”, in relation to any premises, means the chief officer of police for the police area in which the premises are situated ;

“ exempted exhibition ” means an exhibition which, by virtue only of section 5 of the 1952 Act, does not require a licence under section 2 of the 1909 Act ;

1947 c. 41.

“fire authority”, in relation to any premises, means the authority discharging in the area in which the premises are situated the functions of fire authority under the Fire Services Act 1947;

“licence” and references to a licence of either kind shall be construed in accordance with section 3(5) above;

“licensing authority”, in relation to any premises, means the authority having power to grant licences for the premises.

(2) Any reference in this Act to an exhibition which requires a licence under section 2 of the 1909 Act is a reference to an exhibition to which section 1(1) of that Act (premises not to be used for certain exhibitions unless a licence is in force in respect of the premises) applies; and any reference in this Act to an exhibition which requires a consent under section 4 of the 1952 Act (premises not to be used for certain exhibitions unless a consent is in force in respect of the premises) is a reference to an exhibition to which that section applies.

Amendments
and repeals.

10.—(1) The enactments mentioned in Schedule 1 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) The enactments mentioned in Schedule 2 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

1971 c. 40.

(3) On the coming into force of section 12(11) of the Fire Precautions Act 1971 (regulations relating to fire precautions to be made under that Act), there shall cease to have effect section 7(2)(b) and 3(b)(ii) of the 1909 Act and the following provisions of this Act, namely—

(a) in section 3—

(i) in subsection (1), paragraph (b);

(ii) in subsection (2) the words “the fire authority and”;

(iii) in subsection (3) the words “by the fire authority or”;

(b) in section 4, in subsection (2), the words “a fire authority and” and the words “that authority and”;

(c) in section 5—

(i) in subsections (1) and (4) the words “or of the fire authority”;

(ii) subsection (1)(b) and (2);

(iii) in subsection (6), in the definition of “relevant provisions”, in paragraph (a) the words “or (2)(a)”,

paragraph (b) and in paragraph (c) the words “or (2)(b)”;

(d) in section 7, subsection (1)(d) and, in subsection (2)(b), the words from “or” to “exempted exhibition”; and

(e) in section 9, the definitions of “exempted exhibition” and “fire authority”.

11.—(1) This Act may be cited as the Cinematograph (Amendment) Act 1982. Short title, citation, commencement and extent.

(2) The Cinematograph Acts 1909 and 1952 and this Act may be cited together as the Cinematograph Acts 1909 to 1982.

(3) This Act shall come into force on the expiry of the period of three months beginning with the day on which this Act is passed.

(4) This Act does not extend to Northern Ireland.

SCHEDULES

Section 10.

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Cinematograph Act 1909

1. For section 1 of the 1909 Act there shall be substituted the following section—

1952 c. 68. “Provision against cinematograph exhibition except in licensed premises. 1.—(1) Subject to the provisions of section 7 of this Act and of section 5 of the Cinematograph Act 1952, no premises shall be used for a cinematograph exhibition unless they are licensed for the purpose in accordance with this Act.

(2) Subject to those provisions, no cinematograph exhibition shall be given unless the regulations made by the Secretary of State under this Act are complied with.

1969 c. 48. (3) In this Act ‘cinematograph exhibition’ means any exhibition of moving pictures which is produced otherwise than by the simultaneous reception and exhibition of television programmes broadcast by the British Broadcasting Corporation or the Independent Broadcasting Authority or distributed by a system licensed by the Secretary of State under section 89 of the Post Office Act 1969.”

2.—(1) In subsection (1) of section 2 of that Act (grant of licences) for the words “the premises” there shall be substituted the words “any premises in their area”.

(2) In subsection (2) of that section (duration of licences) for the words “revoked as herein-after provided” there shall be substituted the words “revoked as provided by section 7(7) of the Cinematograph (Amendment) Act 1982”.

3.—(1) In subsection (2) of section 7 of that Act (occasional exhibitions)—

(a) for the words “to the county council and to the chief officer of police of the police area” (as originally enacted) there shall be substituted the following paragraphs—

“(a) to the local authority in whose area the premises are situated ;

(b) to the authority discharging in the area in which the premises are situated the functions of fire authority under the Fire Services Act 1947 ; and

(c) to the chief officer of police for the police area in which the premises are situated ; ” ; and

(b) for the words “by the county council” (as originally enacted) there shall be substituted the words “by that local authority”.

1947 c. 41.

(2) In subsection (3) of that section (moveable buildings or structures—

SCH. 1

- (a) for the words “the council of the county in which” (as originally enacted) there shall be substituted the words “the local authority in whose area”;
- (b) in paragraph (a), for the words from “the council of the county” to “this Act” (as originally enacted) there shall be substituted the words “the local authority in whose area he ordinarily resides”;
- (c) in paragraph (b), for the words “to the council of the county and to the chief officer of police of the police area in which it is proposed to give the exhibition” (as originally enacted) there shall be substituted the following sub-paragraphs—
 - “ (i) to the local authority in whose area it is proposed to give the exhibition ;
 - (ii) to the authority discharging in the area in which it is proposed to give the exhibition the functions of fire authority under the Fire Services Act 1947 ; and
 - (iii) to the chief officer of police of the police area in which it is proposed to give the exhibition ;” ; and
- (d) in paragraph (c), for the words “the county council” (as originally enacted) there shall be substituted the words “the local authority in whose area it is proposed to give the exhibition”.

1947 c. 41.

(3) For subsection (4) of that section (exhibitions in private dwelling-houses) there shall be substituted the following subsections—

“ (4) The following exemptions shall have effect in relation to any cinematograph exhibition to which this subsection applies, that is to say—

- (a) neither a licence under section 2 of this Act nor a consent under section 4 of the Cinematograph Act 1952 c. 68. 1952 shall be required by reason only of the giving of the exhibition ;
- (b) where the exhibition is given in premises in respect of which such a licence or consent is in force, no condition or restriction on or subject to which the licence or consent was granted shall apply to the exhibition ;
- (c) regulations under this Act shall not apply to the exhibition ; and
- (d) for the purposes of subsection (2) of this section the giving of the exhibition shall be disregarded.

(5) Subsection (4) of this section applies to any cinematograph exhibition which—

- (a) is given in a private dwelling-house ; and
- (b) is one to which the public are not admitted.

(6) In this section ‘local authority’ means—

- (a) in England and Wales, the Greater London Council or a district council ;
- (b) in Scotland, an islands or district council.”.

SCH. 1

Sunday Entertainments Act 1932

1932 c. 51.
1909 c. 30.

4. In section 1(2) of the Sunday Entertainments Act 1932 for the words "section four of the Cinematograph Act, 1909" there shall be substituted the words "section 5 of the Cinematograph (Amendment) Act 1982" and for the words "that Act" there shall be substituted the words "the Cinematograph Act 1909".

Public Health Act 1936

1936 c. 49.

5. In section 226(3) of the Public Health Act 1936 after the words "cinematograph exhibitions" there shall be inserted the words "(within the meaning of the Cinematograph Act 1909)" and for the words "the Cinematograph Act, 1909," there shall be substituted the words "that Act".

Shops Act 1950

1950 c. 28.

6. In section 74(1) of the Shops Act 1950, in the definition of "theatre", for the words from "the exhibition" to "suitable apparatus" there shall be substituted the words "cinematograph exhibitions (within the meaning of the Cinematograph Act 1909)".

Cinematograph Act 1952

7.—(1) For subsection (4) of section 5 of the 1952 Act (exempted organisations) there shall be substituted the following subsections—

"(4) In the last foregoing subsection the expression 'exempted organisation' means a society, institution, committee or other organisation as respects which there is in force at the time of the exhibition in question a certificate given by the Secretary of State certifying that he is satisfied that the organisation is not conducted or established for profit; and there shall be paid to the Secretary of State in respect of the giving of such a certificate such reasonable fee as he may determine.

(5) The Secretary of State shall not give such a certificate with respect to any organisation—

(a) the activities of which appear to him to consist of or include the giving of cinematograph exhibitions promoted for private gain; or

(b) the objects of which do not appear to him to consist of or include the giving of cinematograph exhibitions to which the public are admitted;

and the Secretary of State may revoke such a certificate at any time if it appears to him that, since the certificate was given, the activities or the organisation have consisted of or included the giving of cinematograph exhibitions promoted for private gain."

(2) Any certificate given by the Commissioners of Customs and Excise under that subsection before the commencement of this Act shall have effect as if given by the Secretary of State.

8. In section 9(1) of that Act for the definition of "cinematograph exhibition" there shall be substituted—

"'cinematograph exhibition' has the same meaning as in the Act of 1909;".

Obscene Publications Act 1959

SCH. 1

9. In section 2(7) of the Obscene Publications Act 1959 for the words from "means" to the end there shall be substituted the words "has the same meaning as in the Cinematograph Act 1909".

London Government Act 1963

10. In paragraph 19(5) of Schedule 12 to the London Government Act 1963 for the words "Section 6 of the Cinematograph Act 1952" there shall be substituted the words "Section 4 of the Cinematograph (Amendment) Act 1982".

Sunday Cinema Act 1972

11. In section 2 of the Sunday Cinema Act 1972 for the words "section 6 of the Cinematograph Act 1952" there shall be substituted the words "section 4 of the Cinematograph (Amendment) Act 1982".

Indecent Displays (Control) Act 1981

12. In section 1(4) of the Indecent Displays (Control) Act 1981 for the words "the Cinematograph Act 1952", in the first place where they occur, there shall be substituted the words "the Cinematograph Act 1909".

SCHEDULE 2

Section 10.

REPEALS

Chapter	Short title	Extent of repeal
9 Edw. 7. c. 30.	The Cinematograph Act 1909.	In section 2, in subsection (1) the words "(as defined in the Cinematograph Act 1952)" and subsection (4). Sections 3 and 4.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 68.	The Cinematograph Act 1952.	Section 1. In section 4(3), the words from "and sections three and four" to the end. Section 6. In the Schedule, the entries relating to sections 1, 3 and 4 of the Cinematograph Act 1909.
1967 c. 80.	The Criminal Justice Act 1967.	In Schedule 3, in Part I, the entry relating to section 3 of the Cinematograph Act 1909.
1971 c. 23.	The Courts Act 1971.	In Schedule 9, in Part I, the entry relating to section 6 of the Cinematograph Act 1952.
1972 c. 70.	The Local Government Act 1972.	Section 204(5)(b).
1973 c. 65.	The Local Government (Scotland) Act 1973.	In Schedule 24, in paragraph 33, the words from "in section 7(3)" to "islands area or district".

SCH. 2

Chapter	Short title	Extent of repeal
1975 c. 21.	The Criminal Procedure (Scotland) Act 1975. The Criminal Justice Act 1982.	In Schedule 7D, paragraph 4. In Schedule 3, the entry relating to section 3 of the Cinematograph Act 1909.

PRINTED IN ENGLAND BY W. J. SHARP
Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
£2.10p net

543323)

ISBN 0 10 543382 9

Video Recordings Bill

EXPLANATORY AND FINANCIAL MEMORANDUM

The Bill regulates, subject to certain exceptions, the supply of video recordings except in accordance with a classification by an authority designated by the Secretary of State and creates certain offences in connection therewith.

Clause 1 provides for the interpretation of the terms “video work”, “video recording” and “supply”.

Clause 2 specifies certain video works as exempted works for the purposes of the Bill.

Clause 3 specifies certain supplies of video recordings as exempted supplies for the purposes of the Bill.

Clause 4 empowers the Secretary of State to designate any person as the authority responsible for classifying video works it considers suitable for showing and for issuing classification certificates in respect of such works. The clause provides also that the Secretary of State shall not designate any authority unless he is satisfied that adequate arrangements for certain appeals will be made. The clause requires any fees recovered by the designated authority for the classification of video works and the issue of classification certificates to be in accordance with a tariff approved by the Secretary of State.

Clause 5 provides for the interpretation of the term “classification certificate”. It specifies the contents of classification certificates.

Clause 6 empowers the Secretary of State by regulations, made by statutory instrument and subject to annulment in pursuance of a resolution of either House of Parliament, to require a video work, a video recording and the case or other container to show such indication as to the classification given to the video work as the regulations specify.

Clause 7 creates offences of supplying or offering to supply a video recording containing an unclassified video work.

Clause 8 creates the offence of possessing for the purposes of supply a video recording containing an unclassified video work.

Clause 9 creates offences of supplying or offering to supply a video recording containing a video work classified as suitable only for persons above a certain age to persons below that age.

Clause 10 creates offences of supplying or offering to supply, on premises to which persons below a certain age are admitted, a video recording containing a video work classified as suitable for supply only on premises to which persons below that age are not admitted. It also makes it an offence to have on such premises, for the purpose of supplying it, such a video recording.

Clause 11 creates offences of supplying or offering to supply a video recording containing a classified video work which does not satisfy any requirement in regulations under clause 6 to show a specified indication as to the classification given to the work. It also makes it an offence to supply or to offer to supply a video recording or a container for such a recording which does not comply with any labelling requirement in such regulations.

Clause 12 creates offences of supplying or offering to supply a video recording which contains an unclassified video work if the recording itself or its container indicates that the work has been classified; and supplying or offering to supply a video recording which contains a classified video work if the work, recording or container contains a false indication as to its classification.

Clause 13 provides for penalties. Level 5 on the standard scale (referred to in clause 13(3)) is at present set at £1,000.

Clauses 14 to 16 deal with offences by bodies corporate, powers of entry, search and seizure and powers of arrest without warrant.

Clauses 17 and 18 provide for evidence as to the classification of a video work to be given by a certificate signed by a person authorised by the Secretary of State.

Clause 19 provides for forfeiture of video recordings following a conviction for an offence under the Bill.

Financial and manpower implications

The Bill is not expected to have any significant financial implications and will have no effect on public service manpower.

Video Recordings Bill

ARRANGEMENT OF CLAUSES

Preliminary

Clause

1. Interpretation of terms.
2. Exempted works.
3. Exempted supplies.

Classification, labelling, etc.

4. Authority to determine suitability of video works for showing.
5. Classification certificates.
6. Requirements as to labelling, etc.

Offences and penalties

7. Supplying video recording of unclassified work.
8. Possession of video recording of unclassified work for the purposes of supply.
9. Supplying video recording of classified work in breach of classification.
10. Supply or possession of video recording on certain premises.
11. Supply of video recording not complying with requirements as to labels, etc.
12. Supply of video recording containing false indication as to classification.
13. Penalties.

Miscellaneous and supplementary

14. Offences by bodies corporate.
15. Entry, search and seizure.
16. Arrest.
17. Evidence by certificate.
18. Evidence by certificate in Scotland.
19. Forfeiture.
20. Other interpretation.
21. Short title, commencement and extent.

A
B I L L
T O

Make provision for regulating the distribution of video recordings and for connected purposes. A.D. 1983

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5

Preliminary

1.—(1) The provisions of this section shall have effect for the interpretation of terms used in this Act. Interpretation of terms.

(2) “ Video work ” means, subject to subsection (3) below, any series of visual images (with or without sound)—

- 10 (a) produced electronically by the use of information contained on any disc or magnetic tape, and
 (b) shown as a moving picture.

(3) Where the main purpose of the information so contained is to enable the nature or sequence of the visual images to be varied by operation of the device producing them, the series of visual images is not a video work.

(4) “ Video recording ” means any disc or magnetic tape containing information by the use of which the whole or a part of a video work may be produced.

[Bill 14]

49/1

(5) "Supply" means supply in any manner, whether or not for reward, and, therefore, includes supply by way of sale, letting on hire, exchange or loan; and cognate expressions are to be interpreted accordingly.

Exempted
works.

2.—(1) Subject to subsection (2) below, a video work is for the purposes of this Act an exempted work if, taken as a whole—

(a) it is designed to provide information, education or instruction; or

(b) it is concerned with sport, religion or music. 10

(2) A video work is not an exempted work for those purposes if, to any extent, it depicts or otherwise deals with—

(a) human sexual activity or acts of force or restraint associated with such activity;

(b) mutilation, torture or other acts of gross violence; 15

(c) human genital organs or human urinary or excretory functions;

or is designed, to any extent, to stimulate or encourage anything falling within paragraph (a) or (b).

Exempted
supplies.

3.—(1) The provisions of this section apply to determine whether or not a supply of a video recording is an exempted supply for the purposes of this Act. 20

(2) The supply of a video recording by any person is an exempted supply if it is neither—

(a) a supply for reward, nor 25

(b) a supply in the course or furtherance of a business.

(3) Where on any premises facilities are provided in the course or furtherance of a business for supplying video recordings, the supply by any person of a video recording on those premises is to be treated for the purposes of subsection (2) above as a supply in the course or furtherance of a business. 30

(4) The supply of a video recording to a person who, in the course of a business, makes video works or supplies video recordings is an exempted supply, unless the video recording is supplied with a view to its eventual supply to persons in the United Kingdom other than those who, in the course of a business, make video works or supply video recordings. 35

(5) Where a video work—

- (a) is designed to provide a record of an event or occasion for those who took part in the event or occasion or are connected with those who did so,
- 5 (b) does not, to any extent, depict or otherwise deal with anything falling within paragraph (a), (b) or (c) of section 2(2) of this Act, and
- (c) is not designed, to any extent, to stimulate or encourage anything falling within paragraph (a) or (b) of that sub-
- 0 section,

the supply of a video recording containing only that work to a person who took part in the event or occasion or is connected with someone who did so is an exempted supply.

1 (6) The supply of a video recording for the purpose only of
5 the exhibition of any video work contained in the recording in premises other than a dwelling-house—

- (a) being premises mentioned in subsection (7) below, or
- (b) being an exhibition which in England and Wales or Scotland would be an exempted exhibition within the meaning of section 5 of the Cinematograph Act 1952 1952 c. 68. (cinematograph exhibition to which public not admitted or are admitted without payment), or in Northern Ireland would be an exempted exhibition within the meaning of section 5 of the Cinematograph Act (Northern 1959 c. 20 Ireland) 1959 (similar provision for Northern Ireland), (N.I.).
- 10
- 15

is an exempted supply.

(7) The premises referred to in subsection (6) above are—

- (a) premises in respect of which a licence under section 2 of the Cinematograph Act 1909 is in force, 1909 c. 30.
- 30 (b) premises falling within section 7(2) of that Act (premises used only occasionally and exceptionally for cinematograph exhibitions), or
- (c) premises falling within section 7(3) of that Act (building or structure of a movable character) in respect of which such a licence as is mentioned in paragraph (a)
- 35 of that subsection has been granted.

(8) The supply of a video recording for the purpose only of the broadcasting of any video work contained in the recording by the British Broadcasting Corporation or the Independent
40 Broadcasting Authority or its distribution by a system licensed under section 89 of the Post Office Act 1969 (licensing of programme distribution systems) is an exempted supply. 1969 c. 48.

(9) The supply of a video recording to the designated authority is an exempted supply.

Classification, labelling, etc.

Authority to
determine
suitability of
video works
for showing.

4.—(1) The Secretary of State may by notice under this section designate any person as the authority responsible for making arrangements—

- (a) for determining for the purposes of this Act whether 5
or not video works are suitable for showing,
- (b) in the case of works which are determined in accordance with the arrangements to be so suitable—
 - (i) for making such other determinations as are required for the issue of classification certificates, 10
and
 - (ii) for issuing such certificates, and
- (c) for maintaining a record of such determinations (whether determinations made in pursuance of arrangements made by that person or by any person previously 15
designated under this section), including video recordings of the video works to which the determinations relate.

(2) The power to designate any person by notice under this section includes power— 20

- (a) to designate two or more persons jointly as the authority responsible for making those arrangements, and
- (b) to provide that any person holding an office or employment specified in the notice is to be treated as designated while holding that office or employment. 25

(3) The Secretary of State shall not make any designation under this section unless he is satisfied that adequate arrangements will be made for an appeal by any person against a determination that a video work submitted by him for the issue of a classification certificate— 30

- (a) is not suitable for showing, or
- (b) is not suitable for showing to persons who have not attained a particular age,

or against a determination that no video recording containing the work is to be supplied on any premises on which video recordings are supplied in the course of furtherance of a business 35
if persons who have not attained a particular age are admitted to the premises.

(4) The Secretary of State may at any time designate another person in place of any person designated under this section and, 40
if he does so, may give directions as to the transfer of any record kept in pursuance of the arrangements referred to in subsection (1) above; and it shall be the duty of any person having control of any such record or any part of it to comply with the directions. 45

(5) No fee shall be recoverable by the designated authority in connection with any determination falling within subsection (1)(a) or (b) above or the issue of any classification certificate unless the fee is payable in accordance with a tariff approved by the Secretary of State.

(6) The Secretary of State may for the purposes of subsection (5) above approve a tariff providing for different fees for different classes of video works and for different circumstances.

(7) Any notice under this section shall be published in the London, Edinburgh and Belfast Gazettes.

(8) In this Act, references to the designated authority, in relation to any transaction, are references to any person who at the time of that transaction, is designated under this section.

5.—(1) In this Act “classification certificate” means a certificate— Classification certificates.

(a) issued in respect of a video work by or on behalf of the designated authority ; and

(b) satisfying the requirements of subsection (2) below.

(2) Those requirements are that the certificate must contain—

0 (a) a statement that the video work concerned is suitable for showing to persons of any age (with or without any qualification as to the desirability of parental guidance with regard to the showing of the work to children or as to the particular suitability of the work for showing to children) ; or

5 (b) a statement that the video work concerned is suitable for showing only to persons who have attained the age specified in the certificate and that no video recording containing that work is to be supplied to any person who has not attained that age ; or

0 (c) the statement mentioned in paragraph (b) above together with a statement that no video recording containing that work is to be supplied on any premises on which video recordings are supplied in the course or furtherance of a business if persons who have not attained that age are admitted to the premises.

6.—(1) The Secretary of State may, in relation to video works Requirements in respect of which classification certificates have been issued, by regulations require such indication as may be specified by the as to labelling. etc. regulations of any such certificate or any of its contents to be shown in such a manner as may be so specified—

(a) at the beginning of the video work in respect of which the certificate was issued ; and

(b) on any video recording containing the work or any spool, case or other thing on or in which such a video recording is kept.

(2) Regulations under this section may make different provision for different video works and for different circumstances.

(3) The power to make regulations under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Offences and penalties

Supplying
video
recording of
unclassified
work.

7.—(1) A person who supplies or offers to supply a video recording containing a video work in respect of which no classification certificate has been issued is guilty of an offence unless—

(a) the supply is, or would if it took place be, an exempted supply, or

(b) the video work is an exempted work.

(2) It is a defence to a charge of committing an offence under this section to prove that the accused believed on reasonable grounds—

(a) that the video work concerned or, if the video recording contained more than one work to which the charge relates, each of those works was either an exempted work or a work in respect of which a classification certificate had been issued, or

(b) that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4), (5) or (9) of this Act.

Possession of
video
recording of
unclassified
work for the
purposes of
supply.

8.—(1) Where a video recording contains a video work in respect of which no classification certificate has been issued, a person who has the recording in his possession for the purpose of supplying it is guilty of an offence unless—

(a) he has it in his possession for the purpose only of a supply which, if it took place, would be an exempted supply, or

(b) the video work is an exempted work.

(2) It is a defence to a charge of committing an offence under this section to prove—

(a) that the accused believed on reasonable grounds that the video work concerned or, if the video recording contained more than one work to which the charge relates, each of those works was either an exempted work or a work in respect of which a classification certificate had been issued,

- (b) that the accused had the video recording in his possession for the purpose only of a supply which he believed on reasonable grounds would, if it took place, be an exempted supply by virtue of section 3(4), (5) or (9) of this Act, or
- (c) that the accused did not intend to supply the video recording until a classification certificate had been issued in respect of the video work concerned.

9.—(1) Where a classification certificate issued in respect of Supplying
 1) a video work states that no video recording containing that work video
 is to be supplied to any person who has not attained the age recording of
 specified in the certificate, a person who supplies or offers to classified work
 supply a video recording containing that work to a person who in breach of
 has not attained the age so specified is guilty of an offence classification.
 5 unless the supply is, or would if it took place be, an exempted
 supply.

(2) It is a defence to a charge of committing an offence under this section to prove—

- 0 (a) that the accused neither knew nor had reasonable grounds to believe that the classification certificate contained the statement concerned,
- (b) that the accused neither knew nor had reasonable grounds to believe that the person concerned had not attained that age, or
- 15 (c) that the accused believed on reasonable grounds that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4), (5) or (9) of this Act.

10.—(1) Where a classification certificate issued in respect of a Supply or
 30 video work states that no video recording containing that work possession of
 is to be supplied on any premises on which video recordings video
 are supplied in the course or furtherance of a business if persons recording on
 who have not attained the age specified in the certificate are certain
 admitted to those premises, a person who— premises.

- 35 (a) supplies or offers to supply a video recording containing the work on such premises, or
- (b) has, for the purpose of supplying it, a video recording containing the work in his possession on such premises,
 being (in either case) premises to which persons who have not
 40 attained the age so specified are admitted, is guilty of an offence.

(2) It is a defence to a charge of committing an offence under this section to prove—

- (a) that the accused neither knew nor had reasonable grounds to believe that the classification certificate contained the statement concerned, or
- (b) that the accused neither knew nor had reasonable grounds to believe that persons who had not attained that age were admitted to the premises.

Supply of
video
recording not
complying
with
requirements
as to labels,
etc.

11.—(1) A person who supplies or offers to supply—

- (a) a video recording containing a video work which does not satisfy any requirement imposed by regulations under section 6 of this Act, or
- (b) a video recording or any spool, case or other thing on or in which the recording is kept, which does not satisfy any such requirement,

is guilty of an offence unless the supply is, or would if it took place be, an exempted supply.

(2) It is a defence to a charge of committing an offence under this section to prove that the accused—

- (a) believed on reasonable grounds that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4), (5) or (9) of this Act, or
- (b) neither knew nor had reasonable grounds to believe that the video work or the recording, spool, case or other thing (as the case may be) did not satisfy the requirement concerned.

Supply of
video
recording
containing
false
indication as
to
classification.

12.—(1) A person who supplies or offers to supply a video recording containing a video work in respect of which no classification certificate has been issued is guilty of an offence if the video work, the video recording or any spool, case or other thing on or in which the recording is kept contains any indication that a classification certificate has been issued in respect of that work unless the supply is, or would if it took place be, an exempted supply.

(2) It is a defence to a charge of committing an offence under subsection (1) above to prove—

- (a) that the accused believed on reasonable grounds—
 - (i) that a classification certificate had been issued in respect of the video work concerned, or
 - (ii) that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4), (5) or (9) of this Act, or

- (b) that the accused neither knew nor had reasonable grounds to believe that the video work or the recording, spool, case or other thing (as the case may be) contained the indication concerned.

(3) A person who supplies or offers to supply a video recording containing a video work in respect of which a classification certificate has been issued is guilty of an offence if the video work, the video recording or any spool, case or other thing on or in which the recording is kept contains any indication that is false in a material particular of any statement falling within section 5(2) of this Act (including any qualification falling within paragraph (a) of that subsection) contained in the certificate, unless the supply is, or would if it took place be, an exempted supply.

(4) It is a defence to a charge of committing an offence under subsection (3) above to prove—

- (a) that the accused believed on reasonable grounds—
 - (i) that the supply was, or would if it took place be, an exempted supply by virtue of section 3(4), (5) or (9) of this Act, or
 - (ii) that the certificate concerned contained the statement indicated, or
- (b) that the accused neither knew nor had reasonable grounds to believe that the video work or the recording, spool, case or other thing (as the case may be) contained the indication concerned.

(5) For the purposes of this section any indication at the beginning or end of a video work purporting to be an indication that a classification certificate has been issued in respect of the work or to be an indication of the contents of such a certificate is part of the video work.

13.—(1) A person guilty of an offence under section 7 or 8 Penalties. of this Act shall be liable, on summary conviction, to a fine not exceeding £10,000.

(2) In relation to England and Wales, Scotland or Northern Ireland, the Secretary of State may by order amend subsection (1) above so as to substitute for the sum specified in that subsection (whether at the passing of this Act or by a previous order made under this subsection) such other sum as appears to him to be justified by a change in the value of money appearing to him to have taken place since the passing of this Act or the date of the previous order made under this subsection, as the case may be.

(3) A person guilty of an offence under any other provision of this Act shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.

(4) In subsection (3) above "the standard scale" has the meaning given by section 75 of the Criminal Justice Act 1982 and for the purposes of this Act—

(a) section 37 of that Act; and

(b) an order under section 143 of the Magistrates' Courts Act 1980 which alters the sum specified in subsection (2) of the said section 37, 1

shall extend to Northern Ireland and the said section 75 shall have effect as if after the words "England and Wales" there were inserted the words "or Northern Ireland".

(5) The power to make an order under subsection (2) above shall be exercisable by statutory instrument which shall be 1: subject to annulment in pursuance of a resolution of either House of Parliament.

(6) An order under subsection (2) above shall not affect the punishment for an offence committed before that order comes into force. 20

Miscellaneous and supplementary

Offences by
bodies
corporate.

14.—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar 25 officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its 30 members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

Entry, search
and seizure.

15.—(1) If a justice of the peace is satisfied by information on oath that there are reasonable grounds for suspecting— 35

(a) that an offence under this Act has been or is being committed on any premises, and

(b) that evidence that the offence has been or is being committed is on those premises,

he may issue a warrant under his hand authorising any con- 40 stable to enter and search the premises within one month from the date of issue of the warrant.

(2) A constable entering or searching any premises in pursuance of a warrant under subsection (1) above may use reasonable force if necessary and may seize anything found there which he has reasonable grounds to believe may be required to be
5 used in evidence in any proceedings for an offence under this Act.

(3) In subsection (1) above—

- (a) the reference to a justice of the peace is, in Scotland, a reference to the sheriff or a justice of the peace and,
0 in Northern Ireland, a reference to a resident magistrate, and
- (b) the reference to information is, in Scotland, a reference to evidence and, in Northern Ireland, a reference to a complaint.

5 **16.**—(1) If a constable has reasonable grounds for suspecting **Arrest.** that a person has committed an offence under this Act, he may require him to give his name and address and, if that person refuses or fails to do so or gives a name and address which the constable reasonably suspects to be false, the constable may
20 arrest him without warrant.

(2) This section does not extend to Scotland.

17.—(1) In any proceedings in England and Wales or Northern Ireland for an offence under this Act, a certificate purporting to be signed by a person authorised in that behalf by the Secretary of State and stating—
25

Evidence by certificate.

- (a) that he has examined—
 - (i) the record maintained in pursuance of arrangements made by the designated authority, and
 - (ii) a video work (or part of a video work) contained in a video recording identified by the certificate, and
30
 - (b) that the record shows that, on the date specified in the certificate, no classification certificate had been issued in respect of the video work concerned,
35
- shall be admissible as evidence of the fact that, on that day, no classification certificate had been issued in respect of the video work concerned.

(2) A certificate under subsection (1) above may also state—

- (a) that the video work concerned differs in such respects
40 as may be specified from another video work examined by the person so authorised and identified by the certificate, and

- (b) that the record shows that, on a date specified in the certificate under subsection (1) above, a classification certificate was issued in respect of that other video work;

and, if it does so, shall be admissible as evidence of the fact 5
that the video work concerned differs in those respects from the other video work.

(3) In any proceedings in England and Wales or Northern Ireland for an offence under this Act, a certificate purporting to be signed by a person authorised in that behalf by the Secretary 10
of State and stating—

- (a) that he has examined—

(i) the record maintained in pursuance of arrangements made by the designated authority, and

(ii) a video work (or part of a video work) con- 15
tained in a video recording identified by the certificate, and

- (b) that the record shows that, on the date specified in the certificate under this subsection, a classification certificate was issued in respect of the video work concerned 20
and that a document identified by the certificate under this subsection is a copy of the classification certificate so issued,

shall be admissible as evidence of the fact that, on that date, a classification certificate in terms of the document so identified 25
was issued in respect of the video work concerned.

(4) Any document or video recording identified in a certificate tendered in evidence under this section shall be treated as if it had been produced as an exhibit and identified in court 30
by the person signing the certificate.

(5) This section does not make a certificate admissible as evidence in proceedings for an offence unless a copy of the certificate has, not less than seven days before the hearing, been served on the person charged with the offence in one of the following ways— 35

- (a) by delivering it to him or to his solicitor, or

(b) by addressing it to him and leaving it at his usual or last known place of abode or place of business or by addressing it to his solicitor and leaving it at his office, 40
or

(c) by sending it in a registered letter or by the recorded delivery service addressed to him at his usual or last known place of abode or place of business or addressed to his solicitor at his office, or

- (d) in the case of a body corporate, by delivering it to the secretary or clerk of the body at its registered or principal office or sending it in a registered letter or by the recorded delivery service addressed to the secretary or clerk of that body at that office.

18. At the end of Schedule 1 to the Criminal Justice (Scotland) Act 1980 there is added—

Evidence by certificate in Scotland.

1980 c. 62.

<p>"The Video Recordings Act 1984 ss. 7 to 12 (offences relating to the supply and possession of video recordings in contravention of that Act).</p>	<p>A person authorised to do so by the Secretary of State, and who has—</p> <p>(a) in relation to the matters certified in paragraph (a) or (c) of Column 3, examined—</p> <p>(i) the record maintained in pursuance of arrangements made by the designated authority; and</p> <p>(ii) a video work (or part of a video work) contained in a video recording identified by the certificate;</p> <p>(b) in relation to the matters certified in paragraph (b) of Column 3 examined a video work other than the video work concerned in the proceedings.</p>	<p>In respect of a video work concerned in the proceedings—</p> <p>(a) that on the date specified in the certificate, no classification certificate had been issued;</p> <p>(b) where a certificate is given in respect of the matter referred to in paragraph (a) above, that the video work differs in such respects as may be specified from the other video work mentioned in paragraph (b) of Column 2;</p> <p>(c) that on the date specified in the certificate a classification certificate in terms of a document identified by the certificate as a copy of the classification certificate was issued."</p>
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19.—(1) Where a person is convicted of any offence under this Act, the court may order any video recording—

- (a) produced to the court, and
- (b) shown to the satisfaction of the court to relate to the offence,
- to be forfeited.

(2) The court shall not order any video recording to be forfeited under subsection (1) above if a person claiming to be the owner of it or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

(3) References in this section to a video recording include a reference to any spool, case or other thing on or in which the recording is kept.

(4) An order under subsection (1) above shall not take effect until the expiration of the ordinary time within which an appeal may be instituted or, where such an appeal is duly instituted, until the appeal is finally decided or abandoned; and for this purpose—

- (a) an application for a case to be stated or for leave to appeal shall be treated as the institution of an appeal; and
- (b) where a decision on appeal is subject to a further appeal, the appeal is not finally decided until the expiration of the ordinary time within which a further appeal may be instituted or, where a further appeal is duly instituted, until the further appeal is finally decided or abandoned.

1975 c. 21. (5) Subsections (1) and (4) above do not apply to Scotland, 1. and in the application to Scotland of subsection (2) above for the reference to subsection (1) there is substituted a reference to section 436 of the Criminal Procedure (Scotland) Act 1975.

Other
interpretation.

20.—(1) In this Act—

“business”, except in section 3(4), includes any activity 21
carried on by a club; and

“premises” includes any vehicle, vessel or stall.

(2) For the purposes of this Act, a video recording contains a video work if it contains information by the use of which the whole or a part of the work may be produced; but where a 2:
video work includes any extract from another video work, that extract is not to be regarded for the purposes of this subsection as a part of that other work.

(3) Where any alteration is made to a video work in respect of which a classification certificate has been issued, other than 3(
an alteration made in pursuance of regulations under section 6 of this Act, the classification certificate is not to be treated for the purposes of this Act as issued in respect of the altered work.

In this subsection, “alteration” includes addition.

Short title,
commence-
ment and
extent.

21.—(1) This Act may be cited as the Video Recordings Act 34
1984.

(2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions and for different purposes. 40

(3) This Act extends to Northern Ireland.

Video Recordings

A

B I L L

To make provision for regulating the distribution of video recordings and for connected purposes.

*Presented by Mr. Graham Bright
supported by
Mr. Michael Calvin, Mr. David Atkinson,
Mr. Geoffrey Finsberg, Mr. Gareth Wardell,
Mrs. Jill Knight, Mr. John Carlisle,
Mr. Simon Hughes, Mr. Jerry Hayes,
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*Ordered, by The House of Commons,
to be Printed, 20 July 1983*

LONDON
Printed and published by
Her Majesty's Stationery Office
Printed in England at St Stephen's
Parliamentary Press

£2.70 net

[Bill 14—Reprint] (513449) 49/1

ISBN 0 10 301484 5

